



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

अंक: 54

शिमला, शनिवार, 16 दिसम्बर, 2006/25 अग्रहायण, 1928

संख्या : 37

विषय सूची		
भाग-1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1584—1607
भाग-2	वैधानिक नियमों को छोड़कर विभिन्न विभागों के प्रमुखों और जिन्ना मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1607
भाग-3	प्रधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनल जजल कमिशनर तथा कमिशनर-आफ-इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि	1607—1611 तथा 1628 -1632
भाग-4	स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग	—
भाग-5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1611—1617
भाग-6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुसूचक	—

16 दिसम्बर, 2006/25 अग्रहायण, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या ई० एक्स० एन०-एफ० (६)- 2/2006, दिनांक 24 नवम्बर, 2006.	आवकारी एवं करगणन विभाग	हिमाचल प्रदेश रसेन्जर एण्ड गुड्स टैक्सेशन रुल्स, 1957 में और संशोधन करने वाले अधिसूचना का अंग्रेजी पाठ सहित प्रकाशन।
No. Tpt. F. (5) 2/2002, dated the 10th October, 2006.	Transport Department	Notification regarding the Reciprocal Agreement between the State of Himachal Pradesh and Rajasthan.

2739-अप्रैल/3006-16-12-2006—1,500.

(1583)

मूल्य : 2.50 रुपये।

भाग-1—वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएँ इत्यादि

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 10th May, 2005

No. Shram (A) 7-1/2005.—In exercise of powers vested in him under section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer Labour Court, Dharamshala of the following cases in the Himachal Pradesh Rajpatra:—

Sl. No. & Case No.	Title of the case	Date of Award
1	2	3
28. Ref. No. 101/01 R.B.T. No. 196/04.	Ramji Dass Vs. Conservator of Forest, Bilaspur.	26-12-05
29. Ref. No. 48/04.	Rakesh Kumar Vs. Secretary P W D Government of Himachal Pradesh Shimla 2.	26-12-05
30. Ref. No. 25/04 R.B.T. No. 212/04.	Rajender Kumar Vs. Secretary, P W D Govt. of Himachal Pradesh Shimla 2.	26-12-05
31. Ref. No. 110/02 R.B.T. No. 190/04.	Krishan Lal Vs. Secretary, P W D Government of Himachal Pradesh, Shimla-2.	26-12-05
32. Ref. No. 479/04	Subash Vs. Secretary, P W D Government of Himachal Pradesh Shimla 2.	26-12-05
33. Ref. No. 79/02 R. B. T. No. 197/04.	Shiv Ram Vs. Secretary, P W D Government of Himachal Pradesh, Shimla-2.	26-12-05
34. Ref. No. 32/2004 R. B. T. No. 207/04.	Sohan Lal Vs. Secretary, P W D Government of Himachal Pradesh Shimla-2.	26-12-05
35. Ref. No. 28/04 R. B. T. No. 208/04.	Fauzu Ram Vs. Secretary, P W D, Government of Himachal Pradesh, Shimla-2.	26-12-05
36. Ref. No. 26/04 R. B. T. No. 211/04.	Roshan Lal Vs. Secretary, P W D, Government of Himachal Pradesh, Shimla-2.	26-12-05

By order
Sd/-
Secretary.

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Himachal Pradesh

Reference No. 101/2001
R.B.T. No. 196/04
Instituted on 15-9-2004
Decided on 26-2-2005

Shri Ramji Dass s/o Shri Khauti Ram, Village Dhan Swai, P. O. Tanbol, Sub-Tehsil Sri Naina Dovi, District Bilaspur, Himachal Pradesh

Vs.

1. The Conservator of Forest, Bilaspur, Himachal Pradesh.

2. The Divisional Forest Officer, Forest Division, Bilaspur, District Bilaspur, Himachal Pradesh.

... Respondents.

Reference under Section 10 of the Industrial Disputes Act, 1946.

For the petitioner Shri S. S. Sippy, A. R.

For the respondent Shri Sita Ram (Rspd. No. 2)
Shri Kanshi Ram

AWARD

1. The subject matter of the reference has been received from the appropriate Government for adjudication by this Tribunal is couched in the here after extracted phraseology:—

"Whether the termination of services of Shri Ramji Dass Chand by (1) Conservative Forest Circle, Bilaspur, Himachal Pradesh, (2) Divisional Forest Officer, Bilaspur, Himachal Pradesh w. e. f. 1-4-1996 without following the provision of section (f) 25 (N) of Industrial Act, 1947 and retaining juniors in services by not giving the principle of "FIRST COME LAST GO" is legal and justified? If not, to what relief of service benefits and amount of compensation the above workman is entitled to?"

2. In pursuance to the reference as extracted hereinabove having come to be received by this Tribunal, the petitioner instituted a claim petition with the averment that he had been appointed as daily rated Beldar in Baner Nursery, Forest Range Swarghat on 1-1-1982 and continued to work as such upto 31-3-1996 regularly. But the employer terminated his services on 1-4-1996 without any charge-sheet, notice and reason. He has also averred in the claim petition that the employer, after his termination engaged on the work S/Shri Parma Nand, Atma Ram, Amar Singh, Jamal Din, Roshan Lal, Rinku Ram, Joginder Singh, Sher Singh, Achhar Singh and Tilla Ram etc. He has also averred in the claim petition that his services were continued one as defined under section 25-B of the Industrial Disputes Act, 1947. It is further averred that he had put in more than 240 days of continuous services in each completed year of service preceding the date of his termination viz. 1-4-1996 and that there was no change against his work and conducted during the tenure of his entire service. He has further averred in the claim petition that no charge-sheet, inquiry, show cause notice and public notice was served upon him before effecting the termination. He has not served with a one month notice or notice pay before effecting termination which renders his termination illegal, void and bad in law as required under section 25-F (a) of the Industrial Disputes Act, 1947. It is further averred that the action of the management in terminating his services is an unfair Labour practice. It is further averred in the petition that in his place one Shri Parma Nand has been employed ignoring his right of employment to continue in service and that his termination from service is illegal, void and bad in law and is thus entitled to reinstatement with full back wages.

3. That the claim petition came to be resisted and contested by the respondent by filing a detailed reply in which it was contended that the petitioner has not completed 240 days in any calendar year and served in the department only as seasonal labourer. It is specifically denied that Shri Parma Nand has been employed ignoring the right of petitioner.

4. Rejoinder was filed by the petitioner to the reply of the respondents wherein the submission as made by the respondent in the reply are denied and the assertions made by the petitioner were re-asserted.

5. Reply to the replication was also filed wherein it has been averred that the reply already submitted

2005 is correct based on the record, hence the original record prior to 1990 has been while D.F.O. Bilaspur office order no. 68/ dated 30-6-1994 and 131/1993-94 dated 1-1-93-94 10-1-93 as copy enclosed vide R-1. The original Rolls w. e. f. year 1990 onward in respect of ap and seniority register maintained at Range level ought today for the perusal of Hon'ble Court. It is noted that the petitioner has not completed 240 any calendar year and served in the department as seasonal labourer. It is further averred that the statement of claim petition already submitted and based on record and is re-affirmed.

From the pleadings of the parties, this Tribunal has the following issues on issues on 19-7-2005 :

1. Whether the termination of the services of the petitioner by the respondents w. e. f. 1-4-1996 without complying the provisions of Industrial Dispute Act, 1947 is illegal and unjustified manner as alleged ? **OPP.**
2. Issue No. 1 is proved in affirmative, to what service benefits, the petitioner is entitled to ? **OPP.**
3. Whether the petitioner was engaged only as seasonal labourer, if so, its effect ? **OPR.**
4. Whether the petitioner left the job at his own as alleged ? **OPR.**
5. Relief.

7. I have heard the Ld. Counsel for the parties and have gone through the record of the case carefully.

8. For the reasons to be recorded hereinafter while discussing the issues for determination my findings on the aforesaid issues are as under :

Issue No. 1	No
Issue No. 2	No service benefit
Issue No. 3	Yes
Issue No. 4	Yes
Relief	The claim petition is dismissed as per operative part of the award and the reference is answered accordingly.

REASONS FOR FINDINGS

Issues 1 to 4 :

All the issues are inter-linked, hence, taken-up together for determination.

10. In proof the factum as contended in the claim petition that in violation of the provision of the law as envisaged under section 25-G and 25-H of the Act, his services were retrenched the claimant has relied upon his examination in chief. During the course of his examination in chief, he tendered in evidence his affidavit bearing P-1. He came to be subjected to cross-examination and during the course of cross-examination.

11. He disclosed that he is unable to divulge the names of the juniors who have been continued to be retained by the respondents even after his dis-engagement by the respondents.

12. On a perusal of Ex. R-1 it is supportive of the stand of the reply filed by the respondents wherein the stand of the claimant not

envisaged under Section 25-H of the Act, whose contravention on the eventuality of the claimant fulfilling the requirement of qualifying service, to warrant their application and whose consequent non compliance to render the dis-engagement of the service of the claimant by the respondents to be illegal and void entitling him to re-instatement with all consequential service benefits. However, in the face of Ex. R-1 as tendered into evidence by RW 1 disclosing the number of days of service performed by the claimant with the respondents, it does, not vindicate the claim of the petitioner of his having rendered more than 240 days of continuous service with the respondents since the year 1991. The Ld. Authorised representative for the petitioner has been very vehement and forceful and keen to convince this Tribunal that the Ex. R-1 does not deserve to be conclusively relied upon this Tribunal in the face of the categorical admission in the reply to the replication of the claimant by the respondents, wherein they had stated that since the record prior to 1990 has been destroyed, under a written order, its, non-adduction repulses the stand of the respondent in the reply that the claimant never served with the department in the years, other, than those reflected in Ex. R-1, as, for want of production of the records pertaining to those years as averred by the claimant during which he served with the respondents, an inference ought to be drawn that the claimant as a matter of fact served the respondents, even, in the years as averred in the claim petition.

13. The above submission of the Authorised representative for the petitioner in my view in the light of the fact that annexure R-II containing the seniority list of mazdoors working with the respondents since the year 1994 does not include the name of the claimant and when the year of the maintenance of the seniority list by the respondents, is, a year subsequent to the destruction of the record of the daily rated beldars working under the respondents, which destruction of records was done in the year 1994, hence, when the preparation of the seniority list and its not including the name of the claimant has not come to be assailed or challenged by the claimant at the earliest on the ground of non-inclusion of his name by the respondents being motivated or hinged upon malafides or vendetta carried by the respondents against him. Consequently, the result of annexure R-II containing the seniority list of mazdoors working under the respondents while not including the name of the claimant in it leads to the conclusion that it has been prepared while taking into account the length of service of the persons included in it and who had served the respondent at the time of or prior to the destruction of the record with respect to their service, by, the respondents in the year 1994. Hence, when annexure R-II is presumed to have been prepared in accordance with law by the officials of the respondents during the discharge of their official duties, it carries a presumption of truth, which may have been rebutted by pleadings and adducing apposite proof, of its preparation being motivated by vice or vendetta, which pleadings and consequential proofs is absent, thereby incapacitating the claimant to assume seniority over them, hence, annexure R-II is concluded to have been prepared in accordance with law. Hence, it carries conclusiveness.

14. Though, it has also been contended by the Authorised representative for the petitioner that the claimant's retrenchment was legally wrong in as much as, even to subsequent his retrenchment, juniors, continued to be engaged by the respondents, however, when neither the names of such juniors have been pleaded nor proved by way of cogent evidence, the bare assertion of the factum of the certain un-named juniors being continued/retained in service by the respondents after the dis-engagement of the service of the claimant, and which retention has been contended to be in violation of the rights of the claimant, so also, being in supersession to his rights to, continue in service with the respondents, however, for want of specific evidence of the names of such juniors legally necessary for substantiating the infraction of the rule, of, 'Last Come First Go'. I cannot come to be convinced that there has been any violation of the principle of 'Last Come First Go' by the respondents, in their coming

to retrench the services of the claimant. Even, otherwise, in the seniority list marked as annexure R-II, the name of the claimant does not occur it, therefore, even on the score of non-occurrence of the name of the claimant in seniority list annexure R-II, the conclusion can also be formed that the claimant had no juniors to him who were continued to be retained by the respondents subsequent to his retrenchment. Had the name of the claimant been included in the seniority list at any place, and the persons below him were continued to be retained by the respondents, then, there was palpable violation of the principle of "First Come Last Go". However, when, it is not so, the persons included in annexure R-II can be said to have been included in it on the basis of the period of length of service with the respondents and that merely on the score of the period of days mentioned in the annexure R-I which service has not been ever proved by the petitioner to be for a longer tenure or commencing from a period prior to and a period of days longer in terms of continuity of his service with the respondents, then, for him to assume seniority over them, is over the persons included in Annexure R-II, therefore, it can be said that the principle of "First Come Last Go" has not been violated.

15. It has been further contended by the Authorised Representative for the claimant that the respondents while re-engaging the workmen, have not given any opportunity to him to rejoin and hence, have violated the provisions envisaged under Section 25-H of the Act. This contention raised on behalf of the petitioner appears to be totally unsustainable for the reason that the petitioner has led no evidence to prove this aspect of the case. Moreover, neither the name of any such person re-engaged after his retrenchment, has been pleaded nor proved by way of cogent evidence, hence, the bare assertion of the factum of the certain persons have been employed after the disengagement of the petitioner and continuing in service under the respondent, in the absence of cogent and convincing evidence, cannot convince me that the provisions of section 25-H of the Act have been violated by the respondents.

16. Even the above contention as have been advanced by the Ld. Counsel appearing for the petitioner is ridden with an inherent legal flaw, not, only while being diametrically opposed to the statement of claim, but, also coming within the mischief of delay and Laches, as, attract to the belated claim in the light of the interpretation afforded to the provisions of sub-section (1) to section 10 of the act, extracted below, by, the Hon'ble High Court Himachal Pradesh, while deciding C. W. P. 398 of 2001:-

"(1) Where the appropriate Government, is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing,—

- refer the dispute to a Board for promoting a settlement thereof; or
- refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry; or
- refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second Schedule or the Third Schedule, to a Tribunal for adjudication".

17. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology in sub-section (1) of section 10 of the Act, containing the language "Any dispute exists or apprehended" has a reference and a bearing towards, a dispute which, is not stale, which would make

it so by inordinate lapse of time from the date having arisen resulting in the gathering of the condensation that it is faded.

18. While coming to the conclusions, the Hon'ble High Court of Himachal Pradesh has interpreted the relevant provision of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh had relied upon prior decisions contained in AIR 1959 SC 1217, (2000) 1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:—

"M/s Shalimar Works Limited Vs. Their Workmen (AIR 1959 SC 1217) :

It is true that there is limitation prescribed for reference for disputes to an Industrial Tribunal, even so it is only reasonable that a dispute should be referred as soon as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workman and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of a large number of workmen should be referred for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was sent to the Industrial Tribunal more than four year after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication within a reasonable time. In these circumstances, we are of opinion that the tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make".

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 SCC 371 :

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal (sic dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference.

Nedungudi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 SCC 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us, to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from

service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was ex-facie bad and incompetent.

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal, were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute did arise or was even apprehended after a lapse of about seven years of the dismissal of the respondent. Whenever a workman raises some dispute it does not become an industrial dispute and the appropriate government cannot in a mechanical fashion make the reference of the alleged dispute terming it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The..... keep industrial peace in an establishment. The reference is..... to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

19. Even, though, the Ld. Authorised representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6) SCC 2221 titled "Sapan Kumar Pandit Vs. H.P.S.E.B. and other", to contend that no limitation is prescribed, under the Act, however, with the Hon'ble Justice Shri C. K. Thakker, while deciding CWP 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware of, the afore relied pronouncement of the Hon'ble Apex Court, and or an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view rendered in Nedungadi Bank Ltd., in, as much as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were accorded in to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union; he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence the ratio decidendi in the Nedun-

the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar view, only on the existence of an assurance, received, by the claimant in that case from his employers for re-engagement or by the existence of the some pressing cause, which precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the preponderant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

20. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim imbues it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches as have taken place, since the retrenchment of the workmen which took place in the year 1993, the reference as has been made of the dispute by the competent authority in the year 2003 is manifestly and plausibly belated, especially, when no explanation or proof of delay of exists, hence stale, therefore, on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and which ought to have been expeditiously canvassed by the workman, on account of delay, can, be said to have been effected or faded, so, also, the concomitant effect is that inference of abandonment can also be made.

21. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

22. In view of my findings on above issues, since there no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference is answered accordingly.

23. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced 26-12-2005.

SURESHWAR THAKUR,
Seal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. : 434/2004
Instituted on : 11-10-2004
Decided on : 26-12-2005

Rakesh Kumar s/o Shri Chand Lal, Village Bahranautam, P.O. Massour, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh
Petitioner.

Vs.

State of Himechal Pradesh through Secretary PWD
Shimla-2.

The Executive Engineer, H P P W D Division,
Shimla-2.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For the petitioner ..Shri Kamal Koundal, Adv.

For the respondent ..Shri R. D. Sharma, D. A.

Relief

The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 to 3 :

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Rakesh Kumar s/o Shri Chand Lal, workman by the Executive Engineer, H P P W D Division, Chamba w/o, District Bilaspur, Himachal Pradesh w.e.f. 1-8-1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained by the department is proper and justified? If not, what relief of service benefits and compensation the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in July 1997 under Bharari Sub-Division initially and he continued to work as such upto October, 1999 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his services has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a Beldar on daily wages on 8/97 and worked upto 7/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from 1-8-1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? OPP
2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? OPP
3. Whether the services of the petitioner were terminated by the respondent due to lack of funds and due to completion of work as alleged? If so, its effect? OPP
4. Relief.

5. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed

6. All the issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of PW 1 Shri Karamjeet Singh, Assistant Engineer, H P P W D Sub-Division, Bharari, who has tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment workmen:—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be, specified by the appropriate government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B Definition of continuous service.—For the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer:—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case."

10. On perusal of the above said provisions of the Act, it is necessary in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW-1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been disengaged, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit by RW-1 of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record to, impeach its reliability, that the presumption as available to be taken as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, on such evidence, so as to enable this court to conclude that presumption of truth enjoyed to Ex. RW 1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negative, as on the record, therefore, it is to be concluded with more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant, that since the workmen junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondent has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that the aforesaid persons are continuing in service with the

respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior to the petitioner. As their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement was ordered, contrary to the length of service, as performed by the claimant, which is a lesser period of his service under the respondent hence divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Ld. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there is no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,
Presiding Judge,
Seal. Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. 25/2004
R. B. T. 212/04
Instituted on 30-1-2004
Decided on 26-12-2005

Shri Rajender Kumar s/o Shri Durga Dass, r/o Village Gangleh, P.O. Gangleh, Tehsil Jhandutta, District Bilaspur, Himachal Pradesh .. Petitioner.

VS.

State of Himachal Pradesh through Secretary, P.W.D., Shimla-2.

The Executive Engineer, H. P. P. W. D. Division,
Ghumarwin, Bilaspur, Himachal Pradesh

REASONS FOR FINDINGS

Respondent.

"Reference under Section 10 of the Industrial Disputes Act, 1947".

For the petitioner: Shri K. K. Sharma, Adv.
For the respondent: Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Rajender Kumar s/o Shri Durga Dass, daily wages beldar by the Executive Engineer, H. P. P. W. D. Division Ghumarwin, District Bilaspur, Himachal Pradesh w. c. f. 30-9-1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of services benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in September 1996 under Berthin sub-Division Section initially and he continued to work as such up to September 1998 and thereafter, his services were disengaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, hence, as his services were disengaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 9/96 and worked up to 9/98 and thereafter, his services were disengaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

- Whether the services of the petitioner were terminated by the respondent with effect from 30-9-1998 without complying the provisions of I.D. Act, 1947, in illegal and unjustified? OPP.
- If issue No. 1 is proved in affirmative, to what service benefits the petitioner is entitled to? OPP.
- Whether the services of the petitioner were terminated due to lack of funds and completion of the work, as alleged, if so its effect? OPR.
- Relief.
- For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed
Relief	The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent they have relied upon the testimony of RW 1 Shri R. C. Gupta XEN, H. P. P. W. D. Ghumarwin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Condition precedent to retrenchment of workmen :—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B. Definition of continuous service for the purposes of this Chapter :—

- a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness of authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - for a period of one year, if the workman during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - two hundred and forty days, in any other case.
 - for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually

worked under the employer for not less than—

- (i) ninety-five days, in the case of workman employed below ground in a mine; and
- (ii) one hundred and twenty days, in any other case?

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish by forthright and categorical evidence that he has completed 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit bearing Ex.PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been dismissed, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit by RW-1 of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only cogent evidence is placed on the record to impeach its reliability that the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, no such evidence, so as, to enable us to conclude that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it, is negated, exists on the record, therefore, it is to be included with all the more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service, being, a condition precedent, for its application, with the respondent, in the twelve calendar month preceding his retrenchment, obviously he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the Id. counsel for the petitioner, in his, canvassing before this Tribunal the service of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that the aforesaid persons are continuing in service of the respondents in pursuance to the orders of the

been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their service came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,
Secal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy 26-12-05

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. 110/2002 (R. B. T. 190/04)

Instituted on 25-4-2003

Decided on 26-12-2005

Shri Krishan Lal s/o Shri Bhagat Ram, Village Bag-
Majher, P. O. Kutchla, Sub-Teh. Shri Naina Devi Ji,
District Bilaspur, Himachal Pradesh

vs.

The Executive Engineer, H. P. W. D., Division No.
Respondent

Industrial Tribunal, even so it is only reason-

is nowhere mentioned. Demand raised by the

"Reference under Section 10 of the Industrial Disputes Act, 1947"

5. Relief.

For the petitioner : Shri S. S. Sippy, A. R.

For the respondent : Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:

श्री कृष्ण लाल सुप्री भगत रान दैनिक बेतन बेलदार की प्रतिक्रिया में अग्रिमता दि० १० लोक विभाग विभाग मण्डल न० 11, बिजसपुर (हि०प्र०) द्वारा दिनांक 1-7-1995 में प्रोटोकॉल विवाद प्रतिक्रिया, 1947 में दिए गए संबंधों की अनुपस्थिति में दिनांक नोकी में निकाला जाना उचित प्रत्यावर्तन है? यदि नहीं तो श्री कृष्ण लाल कामगार बिग मेरा लाभों एवं राहत का दावा है?"

2. The petitioner on receipt of a reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily rated beldar on 20-8-1994 and he continued to work as such upto 30-6-1995. However, on 30-6-1995, he averred that his services were disengaged by the respondent by a verbal order. Further more, he contended in the statement of claim preferred before this Tribunal that he requested his employer to re-engage him on many occasions, however, his request did not bear any fruit. Also he averred that after his disengagement the respondent has engaged in various capacities a number of workmen. Further more he contended that his service as has been retrenched by a verbal order is in violation of provisions of Section 25-F (a), 25-F (b) and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), which were applicable to him, and since as his services were disengaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he put in more than 240 days of continuous service with the respondent and his juniors continue to be retained subsequent to his retrenchment, he has pray that his retrenchment be set aside and the respondent be directed to re-engage him with back wages and seniority.

3. The claim was resisted and contested by the respondent by filing detailed reply, wherein the respondent pleaded that the petitioner was not retrenched and as such, the question of retrenchment compensation does not arise. Further more, it is contended in the reply that the petitioner has never completed 240 days of continuous service with the respondent. The respondent denied all other assertions made by the petitioner in his claim petition and prayed for the dismissal of the claim petition.

4. Reply was filed by the petitioner to the reply of the respondent, wherein the submissions as made by the respondent in the reply are denied and the assertions made by the petitioner were re-assured.

5. On the respective pleadings of the parties following issues have been struck between the parties at contest:—

1. Whether the petitioner Krishan Lal was terminated as daily waged worker by the respondents w. e. f. 1-7-1995 in violation of mandatory provisions of Industrial Disputes Act, 1947 as alleged? OPP.
2. If issue no. 1 is proved in affirmative, to what service benefits the petitioner is entitled to along with back wages seniority compensation if any? OPP.
3. Whether the petition has been filed beyond period of limitation as alleged? OPR.
4. Whether the petitioner was re-engaged as daily wage on seasonal work as alleged, if so, its effect? OPR.

6. For the reasons to be recorded hereinafter my issue wise findings are as under:

Issue No. 1	Yes
Issue No. 2	No benefits in view of findings on issue No. 3.
Issue No. 3	Yes
Issue No. 4	No
Relief	The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

(REASONS FOR FINDINGS)

Issue No. 1 to 4 :

7. The issues are inter-connected and hence taken together for discussions and findings.

8. In support of the contentions as asserted in the statement of claim, the petitioner relied upon his testimony.

9. In support of the contentions as made in the reply, the respondent examined Shri Bishan Dass, Asstt. Eng., H. P. W.D., Sub-division, Swarghat, District Bilaspur, Himachal Pradesh who has testified a witness before this court and has categorically deposed that the services of the petitioner were not retrenched by the respondent, rather, he abandoned the work.

10. I have given my careful thought and the consideration to the rival submissions of the Id. Counsel on either side who have respectively canvassed that the disengagement by the employer, of the services of the petitioner who was working as a daily rated beldar is illegal, void, hence deserves to be set aside, and that the order of retrenchment, if any, is in order, as the workman has abandoned the work, besides, the reference is bad as it comprises a stale claim, which ought not to be countenanced.

11. On a perusal of the reply on merits, it is apparent that in the year 1994 and 1995 the, workman, has completed 133 and 181 days of continuous service with the respondent, however, in the subsequent year he did not do so, as it is disclosed in the reply that he left the job at his own. However, the above contents of the reply are to be believed, as, in substantiation to the assertion/ statement of the claimant that he was disengaged on 30-6-1995, no cogent evidence has been adduced by claimant to, overcome the authenticity of the reply, which demonstrates the abandonment of the job by him in the year 1995 and not his oral retrenchment on 30-6-1995, by the respondent, as alleged. The conclusion is that the reply is to be construed to be affording conclusive evidence, so far as the number of days for which, the claimant worked under the respondent. So, also the contention in the statement of claim by the petitioner that he was orally terminated in the year 1995 comes to be belied.

12. Even which *prima facie* accepting the contention of the respondent, that, the claimant abandoned his job, however, nevertheless the Authorized Representative for the claimant has contended that the purported disengagement of the claimant in the year 1995 having been occasioned without compliance with the provisions of law as contained in Section 25-F (a) (b), 25-G and 25-H of the Act, in as much as, despite his having rendered 240 days of continuous service with the respondent in the year relevant to and preceding his retrenchment, hence with the fulfillment by him, the legally requisite number of days of rendition of continuous service by him under the respondent in the relevant preceding 12 calendar months to the year of his disengagement i. e. 1995 necessitated the applicability of

the provisions of the act, which, not having been complied renders the retrenchment illegal.

13. While considering, dehors, the above reasoning adopted by me in ousting the claim of the workman. Now assuming that he was disengaged in the year 1994 or had voluntarily abandoned his job with the respondent, then, when in the relevant twelve calendar months preceding his retrenchment, he completed more than 240 days of continuous service, as borne by annexure-C, then at least obedience had to be paid by the respondent to the provisions of the Act, in as much as when the legally requisite days of continuous service rendered by the workman under the respondent, it was incumbent upon the employer of the workman to give him one month notice indicating the reasons for his retrenchment or wages in lieu of such notice of period, as envisaged by the provision of Section 25-F of the Act, however, contravention, as such exists on record, as on notice was issued to the workman indicating the reasons for his retrenchment nor evidence exists of payment of one month's wages in lieu of retrenchment which mandatory statutory non-compliance may make, the retrenchment as effected to be legally fallible, as is canvassed before this tribunal by the Id. counsel.

14. However, the above contention as has been advanced before this Tribunal by the Id. counsel appearing for the petitioner is ridden with an inherent legal flaw, as it comes within the mischief of delay and laches, as, attracted, to the belated claim, in the light of the interpretation afforded to the provisions of sub-section 1 of Section 10 of the Act, extracted below, by, the Hon'ble High Court of Himachal Pradesh, while deciding C. W. P. No. 398 of 2001:—

"(4) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing:—

- (a) refer the dispute to a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry; or
- (c) refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- (d) refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second schedule or the Third Schedule, to a Tribunal for adjudication".

15. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology Sub-section 1 of Section 10 of the Act, containing the language "Any dispute exists or apprehended" as a reference and a bearing towards a dispute which is not stale, which would make it so by inordinate lapse of time from the date of its having arisen resulting in the gathering of the conclusion that it is faded.

16. While coming to the conclusions, as, drawn by the Hon'ble High Court of Himachal Pradesh on an interpretation of the relevant provisions of sub-section 1 of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh and relied upon pronouncements contained in AIR 1959 SC 1217, (2000)1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:—

"M/s Shalimar Works Limited Vs. Their Workmen (AIR 1959 SC 1217) :

".....It is true that there is limitation prescribed for reference for disputes to an industrial Tribunal, even so it is only reason-

as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workman and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of a large number of workmen should be referred for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was sent to the Industrial Tribunal more than four year after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication, within a reasonable time. In these circumstances, we are of opinion that the tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make."

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 SCC 371:—

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal (sic) dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference."

Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 SCC 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute the matter was even apprehended after a lapse of about seven year of the dismissal of the respondent. Whenever a worker raises some dispute it does not become an industrial dispute and the appropriate Government cannot in a mechanical fashion make the reference of the alleged dispute terming it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The keep industrial peace in an establishment. The reference is to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

17. Even, though the Id. Authorised representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6), SCC 2221 titled "Sapan Kumar Pandit Vs. H. P. S. E. B. and other", to contend that no limitation is prescribed, under the Act, however, with the Hon'ble Justice Shri C. K. Thakker, while deciding C. W. P. 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware, of, the afore relied pronouncement of the Hon'ble Apex Court, and on an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view rendered in Nedungadi Bank Ltd., in, as much, as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were recorded in to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union, he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence, the ratio decidendi in the Nedungadi's case in law remains intact, and in undisturbed save for the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar, view, only on existence of an assurance, received, by the claimant in that case from his employer for re-engagement or by the existence of the some pressing cause, which precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the preponderant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

18. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim imbuces it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches as have taken place, since, the re-employment of the workmen which took place in the year 1995, the reference as has been made of the dispute by the competent authority in the year 2003 is manifestly

and palpably belated, especially, when of no explanation or proof of delay thereof exists, hence stale, therefore on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and which ought to have been expeditiously canvassed by the workman on account of delay can be said to have been effaced or faded, so, also, the concomitant effect is that inference of abandonment can also be made.

19. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

20. In view of my findings on above issues, since there no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference for the reasons afore stated is answered, as being not maintainable.

21. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced:
26-12-2005.

SURESHWAR THAKUR,
Seal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy on 26-12-2005
In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. .. 479/200-
Instituted on .. 5-10-2004
Decided on .. 26-12-2005

Shri Subhash s/o Shri Sukh Ram, V. P. O. Ganhloh,
Tehsil Jbandutta, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P. W. D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D., Division
Ghumarwin, Bilaspur, Himachal Pradesh
.. Respondent.

"Reference under Section 10 of the Industrial Disputes
Act, 1947".

For the petitioner .. Shri K. K. Sharma, Adv.

For the respondent .. Shri R. D. Sharma, D A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:-

"Whether the termination of services of Shri Subhash s/o Shri Sukh Ram, workman by the Executive Engineer, H. P. P. W. D., Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. September 1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained by the department is proper and justified? If not, what relief of service benefits and compensation. the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, referred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer on 1-12-1996 under Berthin Sub-Division Section initially and he continued to work as such up to 31-10-1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after 'referred in short as the Act'), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on Annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/96 and worked up to 9/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:-

1. Whether the services of the petitioner were terminated by the respondent with effect from September 1998 without complying the provisions of Industrial Disputes Act, 1947, in illegal and unjustified? OPP
2. If issue No. 1 is proved in affirmative, to what service benefits the petitioner is entitled to? OPP
3. Whether the services of the petitioner was terminated, due to completion of work and due to lack of funds, as alleged, if so its effect?.. OPP
4. Relief.
5. For the reasons to be recorded hereinafter my issue wise findings are as under:-

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed

Relief The petition is dismissed, as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW 1 Shri S. D. Vashist, Assistant Engineer, H. P. P. W. D., Barthin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:-

"25-F. Conditions precedent to retrenchment of workmen:-

one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:-

"25-B. Definition of continuous service.- for the purposes of this Chapter:-

- (i) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman.
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer. —
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been

above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by RW-1, of the number of days of continuous service performed by the claimant on the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent, the discharge of his official duties, it enjoys a presumption of truth and only cogent evidence is placed on the record, to impeach its reliability, that, the presumption as available to be drawn, as to the probability of Ex. RW-1, while applying the provisions of Section 35 of the Evidence Act, would it be repelled defeated. However, in such evidence, so as, to enable this court to conclude, that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negated, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that Annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the Id. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to, be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their engagement, pursuance to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not

completed 240 days of continuous service under the respondents on which score alone their reinstatement/re-engagement was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of "last come, first go" is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there is no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshah.

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. .. 79/2002 (RBT 197/04)

Instituted on .. 4-3-2002

Decided on .. 26-12-2005

Shri Shiv Ram s/o Shri Bansri Ram, Village Dalli,
P. O. Kandror, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

The Executive Engineer, H. P. P. W. D., Division
No. 1, Bilaspur, Himachal Pradesh
Respondent.

"Reference under Section 10 of the Industrial
Disputes Act, 1947".

For the petitioner .. Shri S. S. Sippy, A. R.

For the respondent .. Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:-

"Whether the verbal termination w. e. f. 1-9-1993 of Shri Shiv Ram s/o Shri Bansri Ram, daily wage beldar by the Executive Engineer, H. P. P. W. D., Division No. 1, Bilaspur, without complying with Section 25-F of the Industrial Disputes Act, 1947, is legal and justified? If not, to what back wages, seniority, service benefit and relief the concerned workman is entitled to?"

2. The petitioner on receipt of a reference aforesaid mentioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal,

wherein he averred that he was engaged by the respondent in the capacity of a daily rated beldar on 1-1-1980 and he continued to work as such up to 31-3-1993. However, on 1-9-1993, he averred that his services were dis-engaged by the respondent by a verbal order. Further more, he contended in the statement of claim preferred before this Tribunal that he requested his employer to re-engage him on many occasions, however, his request did not bear any fruit. Also he averred that after his dis-engagement the respondent has engaged in various capacities a number of workmen. Further more he contended that his service as has been retrenched by a verbal order is in violation of provisions of Section 25-F (a), 25-F (b) and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, and since as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he put in more than 240 days of continuous service with the respondent and his juniors continue to be retained subsequent to his retrenchment, he has pray that his retrenchment be set aside and the respondent be directed to re-engage him with back wages and seniority.

3. The claim was resisted and contested by the respondent by filing detailed reply, wherein the respondent pleaded that the petitioner was not retrenched and as such, the question of retrenchment compensation does not arise. Further more, it is contended in the reply that the petitioner has never completed 240 days of continuous service with the respondent. The respondent denied all other assertions made by the petitioner in his claim petition and prayed for the dismissal of the claim petition.

4. Rejoinder was filed by the petitioner to the reply of the respondent, wherein the submissions as made by the respondent in the reply are denied and the assertions made by the petitioner were re-asserted.

5. On the respective pleadings of the parties following issues have been struck between the parties at contest:—

1. Whether the service of petitioner was terminated by the respondent w. e. f. 1-9-1993 without complying with the mandatory provisions of Section 25-F of the I. D. Act, and as such the same illegal and un-justified? OPP

2. If issue No. 1 is proved in affirmative, to what service benefits including seniority back wages and compensation the petitioner is entitled to? OPP

3. Relief.

6. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No as the Reference comprises a stale claim which leads to the inference of abandonment and acquiescence.

Issue No. 2 .. No benefits

Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

7. It is contended at the Bar by the Ld. District Attorney, that, since the Reference comprises a stale claim, it is bad and that accordingly the maintainability of the reference be adjudicated before returning findings on merits. Obviously, when, this Tribunal can afford relief only if the Reference is maintainable, hence, the oral submission of the Ld. District Attorney since it touches upon the maintainability of the Reference, it is not to be considered in its being adjudicated prior to

8. The claimant has averred his disengagement to have been effected in the year 1993, whereas, it is not borne out by the reply of the respondent, who have contended that the claimant rendered service in the years 1983 and 1985 and thereafter in 1986, 1987 and 1989, which fact, through, has been controverted in the rejoinder, yet, in proof thereof only the bald testimony of the claimant exists, which is insufficient and can not displace the contention in the reply of the respondents and has testified on oath by RW 1, especially, when the records of service have not been summoned, as such, it is at once falsified, accordingly, not warranting the application of the provisions of section 25(f) of the Industrial Disputes Act, as in the relevant twelve calendar months or even in the purported year of his disengagement, no work was performed by him.

9. In support of the above contention as has been advanced before this Tribunal by the Id. counsel appearing for the respondent he has relied upon the interpretation afforded to the provisions of sub-section 1 of Section 10 of the Act, extracted below, by, the Hon'ble High Court of Himachal Pradesh, while deciding C. W. P. No. 398 of 2001:—

“(1) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing,—

- (a) refer the dispute to a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry ; or
- (c) refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- (d) refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second Schedule or the Third Schedule, to a Tribunal for adjudication”.

10. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology Sub-section 1 of section 10 of the Act, containing the language “Any dispute exists or apprehended” has a reference and a bearing towards a dispute which is not stale, which would make it so by inordinate lapse of time from the date of its having arisen resulting in the gathering of the conclusion that it is faded.

11. While coming to the conclusions as, drawn by the Hon'ble High Court of Himachal Pradesh on an interpretation of the relevant provisions of sub-section 1 of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh had relied upon pronouncements contained in AIR 1959 SC 1217, (2000) 1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:—

“M/s Shalimar Works Limited Vs. Their Workmen (A. I. R. 1959 S. C. 1217) :

“..... It is true that there is limitation prescribed for reference for disputes to an Industrial Tribunal, even so it is only reasonable that dispute should be referred as soon as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workman and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of

his services were dis-engaged by the respondent he contended that his service

for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was sent to the Industrial Tribunal more than four years after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication within a reasonable time. In these circumstances, we are of opinion that the tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make".

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 S C C 371:-

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal *sic* dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference.

Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 S C C 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was *ex-facie* bad and incompetent.

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal, were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute did arise or

was even apprehended after a lapse of about seven years of the dismissal of the respondent. Whenever a workman raises some dispute it does not become an industrial dispute and the appropriate Government cannot in a mechanical fashion make the reference of the alleged dispute terming it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The..... keep industrial peace in an establishment. The reference is..... to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

12. Even, though, the Id. Authorized representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6) S C C 2221 titled "Sapan Kumar Pandit Vs. H. P. S. E. B. and other", to contend that no limitation is prescribed under the Act, however, with the Hon'ble Justice Sri C.K. Thakker, while deciding C. W. P. 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware of, the afore relied pronouncement of the Hon'ble Apex Court, and on an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view rendered in Nedungadi Bank Ltd., in, as much, as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were accorded in to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union, he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence, the ratio decidendi in the Nedungadi's case in law remains intact, and is undisturbed save for the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar view, only on existence of an assurance, received, by the claimant in that case from his employers for re-engagement or by the existence of the some pressing cause, which precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the predominant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

13. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim imbues it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches as have taken place, since, the retrenchment of the workmen which took place in the year 1989, the reference as has been made of the dispute by the competent authority in the year 2002 is manifestly and palpably belated, especially, when of no explanation or proof of delay thereof exists, hence stale, therefore, on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and

It ought to have been expeditiously canvassed by the workman on account of delay can be said to have been made or failed, so, also, the concomitant effect is that evidence of abandonment can also be made.

14. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

15. In view of my findings on above issues, since there is no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference for the reasons afore stated is answered, as being not maintainable.

16. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced
26-12-2005

SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy of Award 26-12-2005
In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. : 32/2004

R. B. T. No. : 207/04

Instituted on : 10-6-2004

Decided on : 26-12-2005

Shri Sohan Lal son of Shri Haria Ram, Village Dholeg,
P. O. Kalol, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P.W.D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D. Division
Ghumarwin, Bilaspur, Himachal Pradesh .. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For the petitioner : Shri K. K. Sharma, Adv.

For the respondent : Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Sohan Lal son of Shri Haria, Daily wages beldar by Executive Engineer, H. P. P. W. D. Division Ghumarwin, District Bilaspur, Himachal Pradesh on 8.9.1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of service benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, proffered the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in January 1995 under Berthin Sub-Division initially and he continued to work as such up to September, 1998 and thereafter, his services were dis-engaged by the respondent by a retrenchment order. It was contended that his service

has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/95 and worked up to 9/93 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from 30-9-1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? OPP

2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? OPP

3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, if so its effect? OPR

4. Relief.

5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No

Issue No. 2 .. No benefits

Issue No. 3 .. Not pressed

Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW 1 Shri R. C. Gupta, XEN, H. P. P. W. D., Ghumarwin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than

one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B. Definition of continuous service.—for the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman:—
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been dis-engaged, without compliance, by the

respondent with the provisions of Section 25 (1) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by RW-1, of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record, to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/denied. However, no such evidence, so, as, to, enable this court to conclude that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negatived, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his, canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to, be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement, pursuance to the orders of a judicial forum does not leave

any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come, first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced. on 26-12-2005.

SURESHWAR THAKUR,

Seal: Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy of award 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. .. 28/2004
R. B. T. .. 203/04
Instituted on .. 10-6-2004
Decided on .. 26-12-2005

Shri Fauzu Ram s/o Shri Fatta Ram, Village Dholeg,
P. O. Kalol, District Bilaspur, Himachal Pradesh

.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P.W.D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D., Division
Ghumarwin, Bilaspur, Himachal Pradesh. Respondent.

"Reference under Section 10 of the Industrial
Disputes Act, 1947"

For the petitioner .. Shri K. K. Sharma, Adv.
For the respondent .. Shri R.D. Sharma, D.A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Fauzu Ram s/o Shri Fatta Ram daily wages beldar by Executive Engineer, H. P. P. W. D., Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. September 1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and just—

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, where in he averred that he was engaged by the respondent in the capacity of a daily wage labourer in January 1995 under Berthin Sub-Division initially and he continued to work as such up to September, 1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him back wages with no break in service,

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/95 and worked up to 9/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from September 1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged ?
OPP
2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to ?
OPP
3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, if so its effect ?
OPR

4. Relief.

5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No
Issue No. 2 .. No benefits.
Issue No. 3 .. Not pressed.
Relief .. The petition is dismissed as per operative part of the Award.
The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW-1 Shri R. C. Gupta, XEN, H. P. P. W. D. Ghumarwin, who has been tendered into evidence Ex. RW-1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment of workmen :—

one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months ; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B Definition of continuous service.—for the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman:
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could not been dis-engaged, without compliance, by the respondent with the provisions of Section 25 (1) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman

with the respondent during his period of engagement, under him, the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by, RW-1, of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence, is placed on the record, to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled. However, no such evidence, so as, to enable this court to conclude that presumption of truth enjoyed by Ex. RW 1 while applying the provisions of Section 35 of the Indian, Evidence Act to it is negated, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that Annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/dis-engagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workmen junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his, canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has work a transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which has been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is, contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them, under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was unwarranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with

the 4, as also the application and consequent violation of the principle of "last come, first go" is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The 1d. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there is no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

Seal. SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy of Award 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. .. 26/2004
R. B. T. No. .. 211/04
Instituted on .. 10-6-2004
Decided on .. 26-12-2005

Shri Roshan Lal s/o of Shri Roop Lal, Village Kharian,
P. O. Kalol, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary H. P. P.
W. D., Shimla-2.

The Executive Engineer, H. P. P. W. D. Division,
Ghumarwin, Bilaspur, Himachal Pradesh .. Respondent

"Reference under Section 10 of the Industrial Disputes
Act, 1947"

For the petitioner .. Shri K. K. Sharma, Adv.
For the respondent .. Shri R. D. Sharma, D. A.

AWARD

1. The hereafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Roshan Lal s/o Shri Roop Lal daily wages beldar by Executive Engineer, H. P. P. W. D. Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. March, 1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of service benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim respondent in the capacity of a daily wage labourer under Berthin Sub-Division

initially in 1993 and he continued to work as such up to February 1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-I. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/93 and worked upto 3/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from March 1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? OPP
2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? OPP
3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, is so its effect? OPR
4. Relief.
5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1	.. No
Issue No. 2	.. No benefits
Issue No. 3	.. Not pressed
Relief	.. The petition is dismissed as a per operative part of the Award. The reference is answered accordingly

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. All the issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW-1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW-1 Shri R. C. Gupta, XEN, H. P. P. W. D. Ghumarwin, who as tendered into evidence Ex. RW-1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than one

year under an employer shall be retrenched by that employer until:-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official Gazette.)"

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:-

"25-B. Definition of continuous service.—For the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer:—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than:—
 - (a) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case."

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year

preceding his verbal retrenchment, he could have not been dis-engaged, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by, RW 1, of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, no such evidence, so as, to, enable this court to conclude that presumption of truth enjoyed by Ex. RW 1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negated, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that annexure RW 1 contains the truth with respect to the number of days of continuous service performed by the petitioner under respondent, which, number of days as revealed by Annexure R-1/Ex. RW 1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/dis-engagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer, subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated, rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, A-R-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, i.e., be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant, by the respondent, therefore, on that score, too, their longer continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to read

Issue No. 3 :

RELIEF

Announced on 26-12 2005.

Seal. SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal
Dharamshala.

बहुददेशीय परियोजनाएं एवं विस्तृत भाग

अधिसचनारं

शिमला-2, 27 नवम्बर, 2006

प्रधिनियम, 1894। मसु. 6 के उपबन्धों के
अनुसार के लिए यह प्रस्तावों के लिए गती है
3. मसि का रेखांक भू-मजदूर सम्प्रदाय, हि. 0 प्र. 0 गान्धी विद्युत शोध, मसि, हि. 0
मसि, जिला मसि (हि. 0 प्र. 0) के कार्यालय में निरीक्षण किया जा सकता है।

ग्राम	समस्या नं०	रकबा (बोपों में)
1	2	3
चुल्हा-209	591	0 01 02
	590/1	0 01 02
	589/1	0 00 05
	609/1	0 00 12
	5867/625/1	0 00 19
	718/1	0 00 10
	719	0 01 13
	725/1	0 00 05
	713/1	0 02 02
	5869/5788/1	0 05 00
	5808/5782/1	0 04 01
किता .. 11		0 17 11
चुल्हा-213	990/1	0 04 01
	1292	0 02 06
	1293/1	0 00 08
	1291/1	0 01 17
किता .. 4		0 08 12
चुल्हा-198	576/1	0 01 19
	575/1	0 00 15
	614/1	0 01 15
	613/1	0 02 09
किता .. 4		0 06 18
नहमील : जोगिन्द्रनगर		
नहमील-231	58/2	0 01 13
	59/2	0 03 06
	68/1	0 01 02
	343/1	0 01 16
	344/1	0 02 05
	424/1	0 04 01
किता .. 6		0 14 03
नहमील-232	2160/1672/1	0 04 01
	535	0 00 14
	536/1	0 00 17
	537	0 01 04
	544	0 01 01
	539/1	0 00 11
	545/2	0 01 12
	542/1	0 00 03
किता .. 8		0 10 13
नहमील-266	17/1	0 05 00
किता .. 1		0 05 00
नहमील-265	65/1	0 05 00
किता .. 1		0 05 00
नहमील-274	1634/1	0 01 08
	1685/1	0 00 10
	1720/1	0 00 15
	1683	0 00 14
किता .. 4		0 03 07
नहमील-273	2395/1	0 01 08
	2396/1	0 03 12
किता .. 2		0 05 00

1	2	3
मतकेहूट-277	573/1 573/1 534/1 59/1	0 00 16 0 02 08 0 02 08 0 03 04
किता .. 4		0 08 16
प्रलमरा-317	335/1 355/1	0 02 08 0 00 02
किता .. 2		0 04 10
चत्ताहरग-318	2451/1 2449/1 2372/1 2373/1 3001/2457/1 3020/1132/1 1083/1	0 01 18 0 02 00 0 01 12 0 01 12 0 04 01 0 04 10 0 04 01
किता .. 7		0 19 14
मनोह-344	527/1 521/1 453/1 479/1 480/1 431/1	0 03 04 0 02 16 0 00 16 0 00 14 0 00 14 0 00 16
किता .. 6		0 09 00
खुदर-330	896/1 897/1 888/1 912/1	0 01 05 0 03 14 0 00 16 0 03 04
किता .. 4		0 08 19
कुल किता .. 64		6 06 13

सिमला-2, 28 नवम्बर, 2006

संख्या विद्युत-छ (5)-29/2006.--यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जो कि भूमि भर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अन्तर्गत एक सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने ध्यान पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल मंगलोट, तहसील लडमहोल, जिला मण्डी, हिमाचल प्रदेश में ऊहल जन विद्युत परियोजना तृतीय चरण के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है, कि उक्त परिसर जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का भर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भू-भर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा प्रेषित श्रम शक्ति गयी भूमि का कार्य को करने के लिए महर्ष प्राधिकार देते हैं।

4. कोई भी हितवद् व्यक्ति जिस उक्त परिसर में कवित भूमि के भर्जन पर कोई आपत्ति हो वह इस अधिसूचना के प्रकाशित होने के 30 दिनों की अवधि के भीतर निश्चित तरी में भू-भर्जन समझौता, हि0 प्र0 राज्य विद्युत बोर्ड, मण्डी, जिला मण्डी, हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरण	तहसील : लडमहोल
जिला : मण्डी	
गांव	खमरा नं0
मगडोल	302 0 08
सिमला-2, 28 नवम्बर, 2006	

संख्या विद्युत-छ (5)-14/2006.--यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जो कि भूमि भर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने ध्यान पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल मंगलोट, तहसील लडमहोल, जिला मण्डी, हिमाचल प्रदेश में 132 क0 बी0 लंचार लाईन ग्राम से गगरेट तक के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है, कि उक्त परिसर जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का भर्जन अपेक्षित है।

2. भूमि भर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-भर्जन समझौता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, हिमाचल प्रदेश को उक्त भूमि के भर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि का रेखांक भू-भर्जन समझौता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, जिला मण्डी, हिमाचल प्रदेश के कार्यालय में निरोक्षण किया जा सकता है।

जिला : ऊना		तहसील : ग्राम	
गांव	खसरा नं०	क्षेत्र (सेंटियर में)	
1	2	3	
ग्राम खास	1567/1	0 01	44
	1523/1	0 01	44
	1283/2/4/5/1	0 01	44
	1025/1	0 01	44
हीरानगर	1941/1/1	0 01	44
	78/1	0 01	44
ग्राम	1320/1	0 01	90
	1289/1	0 01	44
	1265/1	0 02	64
	90/1	0 01	90
कलरूही	527/1	0 01	44
	726/1	0 01	44
	751/1	0 01	44
	753/1	0 01	44
	883/1	0 01	44
	884/1	0 01	44
	1062/1	0 01	44
	1014/1/1	0 01	44
मुबारिकपुर	2320/1	0 01	44
	2283/1	0 01	44
उप-मुहाल रामनगर	1868/1	0 01	44
मुहाल गगरेट	100/1	0 01	44
	70/1	0 01	44
कुल किता	23	0 05	24

प्रदेश द्वारा,

हस्ताक्षरित/
प्रधान सचिव

MPP AND POWER DEPARTMENT

NOTIFICATION

Shimla-2, the 28th November, 2006

No. MPP-B (13)-197.—The Governor, Himachal Pradesh is pleased to appoint Er. Inderjeet Chopra, Sr. Executive Engineer (E) H. P. State Electricity Board

as Electrical Inspector in the Office of Chief Electrical Inspector, Himachal Pradesh, Shimla-171009 on secondment basis in public interest on usual terms and conditions of secondment and instructions of the Government in this regard, with immediate effect.

By order,

Sd/-
Principal Secretary.

भाग 2—बैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

HIMACHAL PRADESH ELECTRICAL INSPECTORATE

OFFICER ORDER

Shimla-9, the 1st December, 2006

ing/assumption of charge by Tehsildar (Election) Mandi:—

1. 2015—Elections (Non-Plan) Voted;
2. 0070—Other Administrative Services
02—Elections-800-Other receipt;
3. 2235—Social Security and Welfare;
4. 2071—Pension and Other retirement benefits;
5. 7610—Loans to Government Servants;
6. 8005—State Provident Fund;
7. 8011—Insurance and Pension Fund; and
8. 8658—Suspense Account (Pap roll saving scheme).

No. HIMVINI/A-3 06-11028-36.—Er. I. J. Chopra, Assistant Electrical Inspector who is functioning as Head of office and Drawing and Disbursing Officer in respect of Major Head "2045—Other Taxes and Duties on Commodities and Services, 103—Collection Charges Electricity Duty, 01—Electrical Inspectorate has now been promoted as Sr-Executive Engineer and appointed Electrical Inspector vide Principal Secretary (Power) to Himachal Pradesh Government letter No. MPP-B(13)-1/97 dated 29-11-2006 (copy enclosed) in this office. It is hereby ordered that the above named officer on his promotion as Electrical Inspector shall continue to hold the charge of D.D.O. and Head of Office in respect of above head of account of staff of the o/o Chief Electrical Inspector, Himachal Pradesh, Shimla-171 009.

I further declare that Naib-Tehsildar (Election) Mandi shall also function as "Controlling Officer" in respect of all the Staff of Election Department posted in Mandi district and also for Class I, II, III and IV employees of various Departments deployed for revision of electoral rolls, Issuance of Photo Identity Cards to Voters and conduct of Lok Sabha and Vidhan Sabha elections in Mandi district for the purpose of "TRAVELLING ALLOWANCE".

I further declare the District Election Officer (DC), Mandi as Controlling Officer for the purpose of contingencies.

Er. I. J. Chopra, Electrical Inspector will also continue to function as Controlling Officer for T. A. & Medical Reimbursement and other contingencies in respect of Class-III & IV employees of this department.

By order,

Er. DALJEET SINGH,
Chief Electrical Inspector.
H. P. B. No. 29, SDA Complex,
Shimla-171 009.

MANISHA NANDA,
Chief Electoral Officer.

**CERTIFICATE OF TRANSFER OF CHARGE
FORM T. R.-I**

Shimla, the 2nd December, 2006

ELECTION DEPARTMENT

NOTIFICATION

Shimla-171 009, the 27th November, 2006

No. P-1 (2)-BST (JDP)/2004-38262-66.—Certified that I have in the forenoon of this day the 1st December, 2006 assumed the charge of the office of the Joint Director (Prosecution), Police Hdqrs., Shimla-2 in pursuance to Notification No. Home (Prose) B (6) 3/06 dated 28-11-2006, vide which the undersigned has been transferred from Directorate of Prosecution and posted in Police Hdqrs. Shimla.

No. 2-16/97-ELN.—In exercise of the powers vested under amended rules 1.17 and 1.26 of H. P. Financial Rules 1971, Vol.-I, read with rule 2.16 of H.P. Budget Manual 1971 and Finance (Regulation) Department's Notification No. Fin. (C) A (2)-2/99, dated 20th September, 1999, I hereby declare Naib-Tehsildar (Election) (Gazetted), Mandi as "Drawing and Disbursing Officer" in respect of following heads of accounts in respect of Mandi district w.e.f. 25th November, 2006 till the join-

BALBIR SINGH THAKUR,
Joint Director (Prosecution).
Police Headquarters, Shimla-2.

भाग-3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल हिमाचल प्रदेश हाई कोर्ट, फाईनेंशियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

वन विभाग

अधिसूचना

शिमला-171 002, 10 नवम्बर, 2006

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां.—(1) वन विभाग की अधिसूचना संख्या 1-63/69, एसएफ (स्था) तारीख 28-11-1970 द्वारा अधिसूचित और समय-समय पर संशोधित मुख्य अरण्यालय, हि० प्र० के कार्यालय में अधीशक, वर्ग-II, (राजपत्रित) के पद के भर्ती एवं प्रोन्नति नियम का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी, उपर्युक्त नियम 2 (1) के अधीन इस प्रकार निरस्तित सुसंगत नियमों के अधीन की गई कोई भी नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधि मान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव (वन)।

संख्या एक 00फ 0ई 0-ए (बी) 2-7/2001.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश वन विभाग में अधीशक ग्रेड-I, (वर्ग-I, (राजपत्रित) के पद के लिए इस सूचना से संगत उपाख्य "क" के अनुसार भर्ती और प्रोन्नति नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश वन विभाग अधीशक ग्रेड-I (वर्ग-I, राजपत्रित) के भर्ती एवं प्रोन्नति नियम, 2006 है।

उपाय "क"

हिमाचल प्रदेश वन विभाग में प्रयोक्तक ग्रेड-I (वर्ग-I, राजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. पद का नाम : प्रयोक्तक, ग्रेड-I
2. पदों की संख्या : 23 (तीस)
3. वर्गीकरण : वर्ग-I (राजपत्रित)
4. वृत्तनमान : रुपये 7200-220-8100-275-10300-340-11660.
5. चयन पद प्रथम प्रथम पद : अनपेक्षित
6. सीधी भर्ती के लिए मायू : लागू नहीं
7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए प्रेषित न्यूनतम शैक्षणिक और अन्य अर्हताएं : लागू नहीं
8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए विहित प्रागु और शैक्षणिक अर्हताएं : लागू नहीं (व्यक्तियों) की दशा में लागू होंगी या नहीं ?
9. परीक्षा की प्रवधि, यदि कोई हो : दो वर्ष, जिसका एक वर्ष से अधिक ऐसी और प्रवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।
10. भर्ती की पद्धति—भर्ती सीधी होंगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद (पदों) की प्रतिशतता : वत-प्रतिशत प्रोन्नति द्वारा
11. प्रोन्नति, संकेष्टमैट या स्थानान्तरण की दशा में प्रोन्नति / संकेष्टमैट या स्थानान्तरण किया जाएगा : प्रयोक्तक ग्रेड-II में से प्रोन्नति द्वारा जिसका 3 वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा सहित 3 वर्ष का संयुक्त नियमित सेवाकाल हो।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में द्योतित सेवाकाल के लिये, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वोकाय प्रक्रिया को अपनाने के पश्चात् की गई थी :

परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित जो नियमित

सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के विचार किए जाने पर प्राप्त हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उनमें वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रहे जाएंगे।

परन्तु उन सभी पदधारियों को, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा; इनमें से जो भी कम हो, होगा।

परन्तु यह और भी कि कोई व्यक्ति पूर्वगामी परतुक्त को प्रेषणाघो के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए प्रभाव हो जाता है तो उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए प्रभाव समझा जाएगा/समझे जायेंगे।

स्पष्टीकरण.—प्रतिनियुक्ति के पश्चात् कनिष्ठ पदधारी प्रोन्नति के लिए प्रभाव नहीं समझा जायेगा यदि वरिष्ठ प्रभाव व्यक्ति भूतपूर्व सैनिक है, जिसे डिमोबिलाइज्ड ग्रामेट फोर्स परसेल (रिजर्वेशन ग्राफ वेकेंसीज इन हिमाचल स्टेट नैटवर्कीकल सर्विसेज) क्लज, 1972 के नियम 3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत बरीयता लाभ दिये गये हों या जिसे ऐन्स-सर्विसेमन (रिजर्व) ग्राफ वेकेंसीज इन हिमाचल स्टेट नैटवर्कीकल सर्विसेज) क्लज, 1985 के नियम 3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो व इसके अन्तर्गत बरीयता लाभ दिए गए हों।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरण पद पर की गई निरन्तर तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि ऐसे पद पर तदर्थ नियुक्ति, उचित चयन के पश्चात् और भर्ती एवम् प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु यह कि उपर्युक्त निर्दिष्ट तदर्थ सेवा की गणना में वेने के पश्चात् जो स्थायीकरण होगा उसके सम्बन्ध में प्राप्तांक बरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी सरचना।

जैसी कि सरकार द्वारा समय-समय पर गठित की जाए।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा।

जैसा कि विधि द्वारा प्रयोजित है।

to have been validly made, done or taken under these rules.

By order,

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए प्रपेक्षा।

लागू नहीं

Sd/-

Principal Secretary.

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन।

लागू नहीं

ANNEXURE "A"

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SUPERINTENDENT, GRADE-I (CLASS-I, GAZETTED) IN THE DEPARTMENT OF FORESTS, HIMACHAL PRADESH

16. प्रारक्षण

उक्त सेवा में नियुक्ति, हिमाचल सरकार द्वारा नियुक्त पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य वर्गों के व्यक्तियों के लिए सेवा में प्रारक्षण की वादत जारी किये गये अनुदेशों के प्रचीन होगी।

- | | |
|----------------------|--|
| 1. Name of the post | Superintendent Grade-I |
| 2. Number of post(s) | 23 (Twenty three) |
| 3. Classification | Class-I (Gazetted) |
| 4. Scale of pay | Rs. 7220-220-8100-275-10300-340-11660. |

17. विभागीय परीक्षा

सेवा में प्रत्येक मदद को समय-समय पर यथा संशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 में यथाविहित विभागीय परीक्षा पारित करनी होगी।

- | | |
|--|----------------|
| 5. Whether selection post or non-selection post? | Non-selection |
| 6. Age for direct recruitment. | Not applicable |

18. शामिल करने की शक्ति

जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां यह कारणों की प्रामाणिकता करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, प्रदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की वादत, शिथिल कर सकेंगे।

- | | |
|---|--|
| 7. Minimum educational and other qualifications required for direct recruitment. | Not applicable |
| 8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s)? | Essential Qualifications : Not applicable.
Desirable Qualifications : Not applicable. |

[Authoritative English text of this Department Notification No. FFE-A(B)2-7/2001 dated 10-11-2006 as required by clause (3) of Article 348 of the Constitution of India]

FORESTS DEPARTMENT

NOTIFICATION

Shimla-2, the 10th November, 2006

No. FFE-A(B) 2-7/2001.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Superintendent Grade-I (Class-I Gazetted) in the Department of Forests, Himachal Pradesh as per Annexure "A" attached to this notification, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Forest Department, Superintendent, Grade-I (Class-I, Gazetted) Recruitment and Promotion Rules, 2006.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(1) The Recruitment and Promotion Rules for Class-II (Gazetted) posts of Superintendents in the office of Chief Conservator of Forests, H. P. notified vide notification No. 1-63/69-SF (Estt.), dated 28-11-1970 and as amended from time to time are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under Rule 2 (1) *supra* shall be deemed

- | | |
|---------------------------------|--|
| 9. Period of probation, if any. | Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing. |
|---------------------------------|--|

- | | |
|---|--------------------|
| 10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods. | 100 % by promotion |
|---|--------------------|

- | | |
|--|--|
| 11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made. | By promotion from amongst the Superintendents Grade-II with 3 years regular service or regular combined with continuous <i>ad hoc</i> service, if any, in the grade. |
|--|--|

(1) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder

category had been made after following proper acceptable process of selection in accordance with the provisions of R & P Rules :

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on *ad hoc* basis, followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration :

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment & Promotion Rules for the post, whichever is less :

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-Servicemen recruited under the provisions of Rule 3 of the Demobilized Armed Forces Personnel (Reservation of Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of the Ex-servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder

(2) Similarly, in all cases of confirmation continuous *ad hoc* service rendered in the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion has been made after proper selection and in accordance with the provisions of the R & P Rules :

Provided that *inter* seniority as a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged

As may be constituted by the Government from time to time

As required under the law

Not applicable

Not applicable

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/Other categories of persons issued by the Himachal Pradesh Government from time to time.

Every member of the service shall pass the Departmental examination as prescribed in H. P. Departmental Examination Rules, 1997 as amended from time to time.

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H. P. Public Service Commission relax any of the provision(s) of these rules with respect to any class or category of person(s) or post(s).

गृह विभाग

प्रधिसूचना

शिमला-2, 25 नवम्बर, 2006

संख्या गृह (ए)ए(3)-1/2006.—हिमाचल प्रदेश के राज्यपाल, पुलिस अधिनियम, 1861 (1861 का 5) की धारा 46 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश राज्य में यथा लागू पंजाब पुलिस रूल, 1934 का और संशोधन करते हुए निम्नलिखित नियम बनाते हैं, प्रार्थना:—

1. संक्षिप्त नाम प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम पंजाब पुलिस (हिमाचल प्रदेश संशोधन) नियम, 2006 होगा।

(2) ये नियम तुरन्त प्रभाव से लागू होंगे।

2. नियम 1-17 का संशोधन.—हिमाचल प्रदेश राज्य में यथा लागू पंजाब पुलिस रूल, 1934 (जिन्हें इसमें इससे परभाव उत्पन्न

में कहा गया है) के नियम 1.17 में द्वितीय पैरा हटा दिया जाएगा।

3. नियम 1.22 का अन्तःस्थापन.—उक्त नियमों के नियम 1.21 के परन्तु निम्नलिखित नियम 1.22 अन्तःस्थापित किया जाएगा, अर्थात्—

"1.22 Minimum tenure of police officers in field posts.—Deputy Inspectors General Incharge of a Range, Superintendents of Police, Deputy Superintendents of Police incharge of sub-divisions, officers incharge of police stations and police posts and upper subordinates in police stations exclusively designated for investigation work shall have a minimum tenure of 2 years, and shall not be transferred on any grounds other than on reversion, promotion or retirement, except if it is found necessary to remove them prematurely following the initiation of disciplinary or criminal proceedings, or in emergent circumstances in the public interest, if the incumbent is otherwise incapacitated from discharging his responsibilities".

प्रदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव।

[Authoritative English text of this department notification No. Home(A)31/2006, dated 25-11-2006 as required under clause (3) of Article 348 of the Constitution of India].

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 25th November, 2006

No. Home (A)31/2006.—In exercise of the powers conferred by section 46 of the Police Act, 1861 (Act

By order,

Sd/-
Principal Secretary.

भाग-4—स्वामीय स्वायत्त सारन, न्युनिसिडर बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और एन्डोव्ड एरिया तहत पंचायती राज विभाग

—दस्तावेज—

भाग-5—वैयक्तिक अधिसूचनाएं और विज्ञापन

PROCLAMATION UNDER GUARDIAN & WARD ACT

In the court of Shri Baldev Singh, Civil Judge (Sr. Division), Bilaspur, Himachal Pradesh

C. Suit No. No. 45 of 2004

In the matter of :

Shri Kala Ram s/o Shri Salu Ram, r/o Vill. Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh

.. Plaintiff/Petitioner.

Versus

General public

.. Respondent.

Petition u/s 372 of Indian Succession Act.

To

• The general public.

Whereas in the above noted case, the applicant/petitioner Kala Ram s/o Salu Ram, r/o Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh has applied for the release of the amount Rs. 8,000/- (Eight thousand only) deposited by Late Sant Ram s/o Shri Bhojra Ram, r/o Vill. Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh and his wife Smt. Mahanti Devi who have died, have deposited in UCO Bank Branch

No. V of 1861), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Punjab Police Rules, 1934, in their application to the State of Himachal Pradesh, namely :—

1. Short title and commencement.—(1) These rules may be called the Punjab Police (Himachal Pradesh amendment) Rules, 2006.

(2) These rules shall come into force with immediate effect.

2. Amendment of rule 1.17.—In rule 1.17 of the Punjab Police Rules, 1934, in their application to the State of Himachal Pradesh (hereinafter referred to as the said rules), record para shall be deleted.

3. Insertion of rule 1.22.—After rule 1.21 of the said rules the following rule 1.22 shall be inserted namely :—

"1.22 Minimum tenure of police officers in field posts.—Deputy Inspectors General incharge of a Range, Superintendent of Police, Deputy Superintendent of Police incharge of sub-divisions, officers incharge of police stations and police posts and upper subordinates in police station exclusively designated for investigation work shall have a minimum tenure of 2 years, and shall not be transferred on any grounds other than on reversion, promotion or retirement, except if it is found necessary to remove them prematurely following the initiation of disciplinary or criminal proceedings, or in emergent circumstances in the public interest, if the incumbent is otherwise incapacitated from discharging his responsibilities".

at Beri, Tehsil Sadar, District Bilaspur, Himachal Pradesh on 16-3-1993 as a fixed deposit payable to either of survival.

Notice is hereby given to the general public/relations and kinsman of the deceased Late Sant Ram that the petitioner is the successor of deceased Shri Sant Ram and is entitled for the said amount. If any body has any objection the same be filed in this Court on or before 28-12-2006 at 10.00 A.M. personally or through pleader and authorised agent failing which the application shall be heard and decided ex parte.

Given under my hand and the seal of the court this 21st day of November, 2006.

Seal.

BALDEV SINGH,
Civil Judge (Sr. Division),
Bilaspur, Himachal Pradesh.

व अदालत नायब तहसीलदार एवं सहायक समाह्वी द्वितीय श्रेणी तहसील पुमारवी, जिला बिलासपुर, हिमाचल प्रदेश

विजय कुमारी पत्नी किरपा राम, राजीव पुत्र, ज्योति पुत्री व श्रीमती सनेहर देवी माता किरपा राम पत्नी प्रमदपाल, निवासी ग्राम बड़भई, डाक्टर लैहड़ी मरेन, तहसील ब जिता बिलासपुर, हिमाचल प्रदेश।

वना

जन माधारा (जनरल पब्लिक) ग्राम बड़भई, परगना सनदेरपुर, तहसील पुमारवी, जिला बिलासपुर, हिमाचल प्रदेश।

प्रार्थना-पत्र मखदून-उल-खवरो श्री किरपा राम पुत्र श्री प्रेम दयाल, निवासी ग्राम बड़साई, तहसील पुनारवी, जिला बिलासपुर, हिमाचल प्रदेश बहक जयल वारसान दर्ज कागजात माल में करने के सम्बन्ध में।

नोटिस बनाम जनसाधारण

उपरोक्त विषय पर जनसाधारण व खास को बजरिया राजपत्र द्वारा सूचित किया जाता है कि श्रीमती विजय कुमारी उपरोक्त खास में एक प्रार्थना-पत्र दिया है कि उसका पति श्री किरपा राम पुत्र प्रेमदयाल गत वर्ष 8 वर्षों में लापता है इसलिए उसकी बरात का इत्काल नं० 118 मखदून-उल-खवरी दर्ज किया गया है। उनका यह भी कथन है कि श्री किरपा राम गवर्नमेंट हाई स्कूल भीराकाटी, तहसील भरमौर, जिला चम्पा में अध्ययन या क्रौर वह 3-11-1998 से ड्यूटी से गावय हो गया तथा 26-11-1998 को उसके इस प्रकार गावय होने के सम्बन्ध में पुलिस स्टेशन भरमौर में मर्यादाभार शरा स्थिति दर्ज करवाई गई थी। तत्पश्चात् उनका कभी भी कोई पता नहीं मालूम हुआ तो कभी कोई पत्र व दूरभाष आया। इन प्रमाणों से संदेह है कि कहीं उनकी मृत्यु हो चुकी है अन्यथा वह घर से किसी इलाके पर उपस्थित रहे। ऐसी प्रवृत्ति में उसकी बरात का इत्काल उसके जायज वारसान के नाम कर दिया जाये।

उपरोक्त के सम्बन्ध में राजपत्र के द्वारा ग्राम व खास को सूचित किया जाता है कि जिस किसी व्यक्ति को किरपा राम के जीवन होने के सम्बन्ध में कोई तबूत या एतराज हो तो वह दिनांक 31-12-2006 तक सुबह 10.00 बजे असाफल्य/वकासलत उपस्थित होकर अपना एतराज पेश कर सकता है अन्यथा श्री किरपा राम का मृत समझ कर उसकी बरात का इत्काल नं० 118 मखदून-उल-खवरी जायज वारसान के नाम स्वीकार कर दिया जायेगा।

श्राव दिनांक 17-10-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर। हस्ताक्षरित/-
नायक तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी,
पुनारवी, जिला बिलासपुर (हो 20)।

व अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवम् तहसीलदार, भटियात स्थित चुवाड़ी, जिला चम्पा, हिमाचल प्रदेश

श्री दिनेश कुमार मुल्लू श्री जीम बहादुर, गांव घटासनी, डाकघर घटामनी, तहसील भटियात चुवाड़ी, जिला चम्पा

बनाम

ग्राम जनता .. प्रतिवादी।

विषय - जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 को धारा 13(3) के अन्तर्गत ग्राम पंचायत घटामनी में अपने लड़के का नाम व जन्म तिथि दर्ज करने के सम्बन्ध में इश्वहार।

उपरोक्त प्रार्थी ने अग्रोहस्ताक्षरों की अदालत में प्रार्थना-पत्र मय ध्यान हलफिया इस आशय से गुजारा है कि उसके लड़के का नाम अग्रणीय गर्व है तथा उसका जन्म दिनांक 20-9-2004 को पंचायत घटामनी में हुआ है लेकिन ग्राम पंचायत घटामनी के पंचायत परिषद रजिस्टर में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्व-साधारण को बजरिया इश्वहार सूचित किया जाता है कि श्रीमती गंधम पुत्र दिनेश कुमार मुल्लू श्री जीम बहादुर, गांव व आसघर घटामनी, तहसील भटियात चुवाड़ी, जिला चम्पा का नाम व जन्म तिथि दर्ज पंचायत रिकार्ड करने में यदि किसी को किसी भी किसम का उजर व एतराज हो तो वह दिनांक 29-12-2006 को असाफल्य या वकासलत हाजिर अदालत होकर अपना उजर व एतराज दर्ज करवा सकता है। हाजिर न जाने की मृत में उपरोक्त नाम व जन्म तिथि दर्ज करने के आदेश पारित कर दिए जायेंगे।

श्राव दिनांक को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर
कार्यकारी दण्डाधिकारी
भटियात चुवाड़ी, जिला चम्पा,
हिमाचल प्रदेश।

Office of the District Collector, Hamirpur, District
Hamirpur, Himachal Pradesh

PROCLAMATION OF SALE UNDER SECTION 35 OF THE H. P. LAND REVENUE ACT

Whereas arrear of land revenue amounting of Rs. 18,000/- has accrued in respect of the estate named Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur holding No. his 1/3 share (3K-3M) in Khata No. 22, Kharauni No. 22, Kita 9, Total area measuring 9K-10M situated in Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur as per jamaabandi for the year 2002-2003 or the corresponding numbers in subsequent Jamaabandi if any in the estate and the sanction of Divisional Commissioner, Mandi Division has been conveyed vide letter No. Commr-MND-LR-1(3)-2003-7208, dated 3rd October, 2006 under section 81 of the H. P. Land Revenue Act to the sale of the immovable property, detailed in the annexed schedule for the recovery of the said arrear, this is to give notice that the said immovable property will be sold by auction at Patwar Khena Bani Bajuri on the 28th day of December, 2006 at 11.30 A. M. Land revenue amounting to Rs. (to be assessed later) per annum on the above said estate payable in respect of the said holding. Any person intending to claim a right of pre-emption must on pain for forfeiting the right give notice of his intention to me on an office day before that fixed above for the sale. The sale will be made subject to the provisions of section 76, section 85 (d) of the H. P. Land Revenue Act free of all encumbrances.

Owner : ASHOK KUMAR s/o SHRI PREM CHAND

SCHEDULE OF PROPERTY :

Share to the extent of 3K-3M in Khata No. 22, Khatauni No. 22, Kita 9, Total area measuring 9K-10M situated in Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur as per jamaabandi for the year 2002-2003 or the corresponding numbers in subsequent jamaabandi if any owned by the defaulter Ashok Kumar s/o Shri Prem Chand.

Seal.

Sd/-

Place : Hamirpur
Dated : 20-10-2006.

District Collector,
Hamirpur, Himachal Pradesh.

व अदालत श्री शारद के 0 प्रवी, नरिज प्राधिकार एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. Shri Susheel Kumar aged 23 years, s/o : Roop Lal, r/o Village and P. O. Tanni Devi, Tehsil and District Hamirpur (H.P.).

2. Smt. Sanyogita, aged 23 years, d/o Shri Hari Ram, r/o Village Chadyana, P. O. Dudar, Tehsil & District Mandi, Himachal Pradesh.

बनाम

ग्राम जनता

प्रार्थना-पत्र अग्रणीय धारा 16 ऑफ सैल नरिज ऐक्ट, 1964 के अन्तर्गत शादी पंजीकरण करने वाले।

उपरोक्त मुकदमा में श्री Susheel Kumar व श्रीमती Sanyogita ने हिन्दू रीति-रिवाज अनुसार शादी कर ली है जिसे सैल नरिज ऐक्ट, 1964 के अन्तर्गत पंजीकृत किया जाना है।

अतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त श्रादी पंजीकरण करने वारे किसी भी व्यक्ति को कोई उजरया एतराज हो तो वह दिनांक 28-12-2006 को सुबह 10.00 बजे या इसके पहले असावजन या बकावतन हाजिर अदालत होकर पेश करे अन्यथा श्रादी पंजीकरण करने वारे श्रागामी कार्यवाही अमल में लाई जायेगी।

आज दिनांक को मेरे हुस्ताखर व मोहर अदालत से जारी किया गया।

मोहर।

आर० के० प्रथी,
मैरिज आफिसर एवं उप-मज्दल दण्डाधिकारी,
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री सन्त राम मस्ताना, सब-रजिस्ट्रार, भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

श्री रणवीर सिंह सुपुत्र श्री नन्द लाल, बासी रोहवाँ, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

बादी।

वनाम

ग्राम जनता

दरकवास्त जेर धारा 40-41 भारतीय पंजीकरण अधिनियम।

श्री रणवीर सिंह सुपुत्र श्री नन्द लाल, बासी रोहवाँ, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर ने इस अदालत में दरकवास्त गुजारी है कि उसके पिता श्री नन्द लाल ने उसके नाम एक वसीयत तहरीर करवा रखी है जो कि अपंजीकृत है। अतः उसे रजिस्टर किया जावे।

अतः इस अदालती इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि वसीयत पंजीकरण किए जाने वारे किसी को उजर/एतराज हो तो वह दिनांक 23-12-2006 को हाजिर अदालत आकर एतराज पेश कर सकता है अन्यथा एकतरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 22-11-2006 को मेरे हुस्ताखर व मोहर अदालत से जारी हुआ।

मोहर।

सन्त राम मस्ताना,
सब-रजिस्ट्रार, भोरंज,
जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री अमर नाथ वर्मा, कार्यकारी दण्डाधिकारी, वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी गांव तिब्बतियन कलोनी बौड़, तहसील वैजनाथ, जिला कांगड़ा (हि० प्र०)।

वनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी, डाकखाना बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके पुत्र सोमनाथ गोराम का जन्म दिनांक 2-10-1990 को मुहाल तिब्बतियन कलोनी, में हुआ था परन्तु इस वारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका है। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के वारे में कोई उजर/

एतराज हो तो वह दिनांक 22-12-2006 को सुबह 10.00 बजे इस न्यायालय में असावजन या बकावतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दिये जायेंगे। उसके उपरान्त कोई एतराज न मुना जायेगा।

आज दिनांक 26-10-2006 को मेरे हुस्ताखर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमर नाथ वर्मा,
कार्यकारी दण्डाधिकारी, वैजनाथ,
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री अमर नाथ वर्मा, कार्यकारी दण्डाधिकारी, वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी बौड़, डाकघर बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

वनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी, डाकखाना बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसकी पुत्री तेनजिन पासंग का जन्म दिनांक 30-3-1989 को मुहाल चीमान में हुआ था परन्तु इस वारे पंचायत रिकार्ड में पंजीकरण नहीं करवाया जा सका है। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के वारे में कोई उजर एतराज हो तो वह दिनांक 22-12-2006 को सुबह 10.00 बजे इस न्यायालय में असावजन या बकावतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दिये जायेंगे। उसके उपरान्त कोई एतराज न मुना जायेगा।

आज दिनांक 26-10-2006 को मेरे हुस्ताखर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमरनाथ वर्मा,
कार्यकारी दण्डाधिकारी, वैजनाथ,
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री राम चन्द कोतन, सब-रजिस्ट्रार, देहरा, जिला कांगड़ा, हिमाचल प्रदेश

श्री कृष्ण कान्त पुत्र श्री जैनी राम, बासी बालूचोपा, तहसील बड़ोह, जिला कांगड़ा (हि० प्र०)।

वनाम

ग्राम जनता

श्री कृष्ण कान्त पुत्र श्री जैनी राम, बासी बालूचोपा, तहसील बड़ोह, जिला कांगड़ा ने इस अदालत में मुक्का आमतो जोगिन्द्रा देवी वैजनाथ श्री लाल चन्द, बासी घन्वी, मौजा भडोवी को चल व अचल सम्पत्ति से सम्बन्धित एवं निष्पादित वसीयत पंजीकरण अधिनियम, 1908 को धारा 40/41 के अन्तर्गत पंजीकरण हेतु पेश की है।

अतः इस इशतहार द्वारा सर्वसाधारण व मुक्का के जायज वारपान व रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को

मृतका श्रीमती जोगिन्दरा देवी विधवा श्री जैसी राम, बासी ग्राम्बी, डाकघर मरोली की वसीयत पंजीकरण करने वाले कोई एतराज हो तो वह दिनांक 23-12-2006 को प्रातः दस बजे मसालतन या वकालतन हाजिर अदालत आकर पेश करें अन्यथा कार्यवाही प्रमल में लाई जाएगी।

आज दिनांक 23-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राम चन्द कोशल,
सबर-रजिस्ट्रार,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

मोनिता देवी पत्नी श्री मुभाप चन्द, निवासी गांव हरबाग, डाकघराना प्राग्पुर, तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

बनाम
आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्रीमती मोनिता देवी ने अदालत में दरखास्त दी है कि उसके पुत्र निवास नगीमाल पुत्र मोनिता देवी पत्नी श्री मुभाप चन्द का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इसके पुत्र की जन्म तिथि 4-9-2003 है तथा बच्चे का जन्म हरबाग गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें। अन्यथा एक तरफा कार्यवाही प्रमल में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

श्रीमती Sodhan Devi w/o Late Sh. Kishan Chand, r/o village Karol, P. O. Pragpur, Tehsil Dehra, District Kangra (H. P.).

बनाम
आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्रीमती Sodhan Devi ने इस अदालत में दरखास्त दी है कि उसके पति श्री कृष्ण चन्द की मृत्यु को पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पति

की मृत्यु तिथि 20-10-1974 है तथा पति की मृत्यु गांव Karol में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसकी मृत्यु तिथि दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक-तरफा कार्यवाही प्रमल में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

Shri Kuldeep Kumar s/o Shri Gian Chand, r/o V. P. O. Bara.

बनाम

आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री कुलदीप कुमार ने इस अदालत में दरखास्त दी है कि उसके पुत्र निशान्त ठाकुर का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 3-5-2003 है। तथा बच्चे का जन्म Bara गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक तरफा कार्यवाही प्रमल में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

श्री राज कुमार ने इस अदालत में दरखास्त दी है कि उसके पुत्र पिपुष सूद का जन्म पंचायत रजिस्टर में गलती से दर्ज न

बनाम

आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री राज कुमार ने इस अदालत में दरखास्त दी है कि उसके पुत्र पिपुष सूद का जन्म पंचायत रजिस्टर में गलती से दर्ज न

ब्रह्मा गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 4-7-2003 तथा बच्चे का जन्म गांव बोहन, डा0 ज्वालामुखी में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वारिष्ठ के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा, हिमाचल प्रदेश

य अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

ब मुकदमा :

श्री कुलदीप कुमार पुत्र श्री ज्ञान चन्द, निवासी गांव व डाकखाना बारा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)।

बनाम
आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री. कुलदीप कुमार ने इस अदालत में दरखास्त दी है कि उसके पुत्र साहित ठाकुर का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 30-8-2001 तथा बच्चे का जन्म बारा गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10 बजे प्रातः स्वयं अथवा किसी वारिष्ठ के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी, देहरा,
तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

य अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)

ब मुकदमा :

Rajinder Kumar s/o Banarsi Dass, r/o Bohan Bha, Tehsil Dehra, Distt. Kangra (H. P.)

बनाम

General Public

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

नोटिस बनाम आम जनता।

श्री Rajinder Kumar ने इस अदालत में दरखास्त दी है कि इसके पुत्र Krishna का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इसके पुत्र की जन्म तिथि 27-12-2002 है तथा बच्चे का जन्म गांव Bohan Bhatti में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि इसका नाम दर्ज करने वारे कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वारिष्ठ के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि0 प्र0)।

य अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

ब मुकदमा :

श्री सुभाष चन्द बनाम आम जनता
दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री सुभाष चन्द ने इस अदालत में दरखास्त दी है कि उसकी पुत्री रज्जू कुमारी का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इनकी पुत्री की जन्म तिथि 8-9-1992 है तथा बच्चे का जन्म Bhatoli Phakorion गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उजर हो तो वह दिनांक 26-12-06 को समय 10 बजे प्रातः स्वयं अथवा किसी वारिष्ठ के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी, देहरा,
तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

य अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

ब मुकदमा :

Smt. Sarita Devi w/o Late Shri Rajinder Singh, r/o Bang Banial, P. O. Sunhet, Teh. D:hra. Distt. Kangra H. P.

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्रीमती सारिता देवी ने इस अदालत में दरखास्त दी है कि उसने

करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि ३-२-२००५ है तथा बच्चे का जन्म Bang Banial, P. O. Sunhet, Teh. Dehra, Dist. Kangra (H.P.) में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक २६-१२-२००६ की समय १०-०० बजे प्रातः स्वयम् अथवा किसी वाञ्छित पं. माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफ कार्यवाही अमल में लाई जाएगी।

आज दिनांक २-११-२००६ को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकदमा :

श्री राजेश बशिष्ठ पुत्र श्री हरबंस लाल

बनाम

ग्राम जनता

दरखास्त जेर धारा १३ (३) जन्म एवं मृत्यु अधिनियम, १९६९.

नोटिस बनाम ग्राम जनता।

श्री राजेश बशिष्ठ ने इस अदालत में दरखास्त दी है कि उसकी पुत्र/पुत्री अद्विती बशिष्ठ का जन्म गलती से पंचायत रजिस्टर में दर्ज न करवाया गया है। अब दर्ज किया जावे। इसके पुत्र/पुत्री की जन्मतिथि ४-६-२००३ तथा बच्चे का जन्म Bhatoli Phakorian गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक २६-१२-२००६ की समय १० बजे प्रातः स्वयम् अथवा किसी वाञ्छित पं. माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एक तरफ कार्यवाही अमल में लाई जावेगी।

आज दिनांक २-११-२००६ को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा जिला कांगड़ा, हिमाचल प्रदेश

व मुकदमा :

श्री राकेश कुमार पुत्र श्री प्रबन्त सिंह, बामी धनुई, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखास्त जेर धारा १३ (३) जन्म एवं मृत्यु पंजीकरण अधिनियम, १९६९.

नोटिस बनाम ग्राम जनता।

श्री राकेश कुमार ने इस अदालत में दरखास्त दी है कि उसकी माता श्रीमती परशोतमी देवी की मृत्यु पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है। अब दर्ज को जावे। इसकी माता की मृत्यु तिथि १५-११-२००४ है तथा माता की मृत्यु धनुई गांव में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसकी मृत्यु तिथि दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक २६-१२-२००६ की समय १०-०० बजे प्रातः स्वयम् अथवा किसी वाञ्छित पं. माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें। अन्यथा एक तरफ कार्यवाही अमल में लाई जावेगी।

आज दिनांक २-११-२००६ को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत सहायक समाह्वी द्वितीय श्रेणी, उप-तहसील धीरा, जिला कांगड़ा हिमाचल प्रदेश

सु० नं० ७/२००६.

करतार सिंह पुत्र स्व० राम रब, निवासी झलसेहड़, मौजा काहटफह उप-तहसील धीरा, जिला कांगड़ा, हिमाचल प्रदेश प्राप्ती।

बनाम

ग्राम जनता

नोटिस बनाम ग्राम जनता।

उपरोक्त प्राप्ती ने इस अदालत में अपना प्रार्थना पत्र मय न्याय हस्ताक्षरित इस ग्राम से पेश किया है कि सेना के रिकार्ड अंतिमिक प्रमाण पत्र, ग्राम पंचायत काहटफह के रिकार्ड, अन्य महालों के राजस्व रिकार्ड में उसका नाम करतार सिंह है जबकि महाल झलसेहड़ के राजस्व रिकार्ड में उसका नाम कुलतार सिंह गलत दर्ज किया गया है। अतः उसका नाम कुलतार सिंह की जगह करतार सिंह दर्ज किया जाये।

अतः सब संघारण को इन्हें द्वारा सूचित किया जाता है कि उक्त नाम की दस्तवी वारे अगर कोई उजर या एतराज हो तो वह दिनांक २८-१२-२००६ को सुबह १० बजे असालतन या बकालतन हाजिर अदालत आकर पेश कर सकत है अन्यथा एक तरफ कार्यवाही अमल में लाई जावेगी।

आज दिनांक २३-११-२००६ को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

हस्ताक्षरित/-
सहाय. समाह्वी,
द्वितीय श्रेणी धीरा, जिला कांगड़ा।

व अदालत श्री एच० धार० भाटिया, तहसीलदार एवं कार्यकारी दण्डाधिकारी, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश

श्री रविन्द्र सिंह ठाकुर

बनाम

ग्राम जनता।

विषय.—प्रार्थना-पत्र जेर धारा १३ (३) जन्म एवं मृत्यु पंजीकरण अधिनियम, १९६९.

नोटिस बनाम ग्राम जनता।

श्री रविन्द्र सिंह ठाकुर पुत्र श्री राम सिंह ठाकुर, निवासी शमनगर धर्मशाला, तहसील धर्मशाला, जिला कांगड़ा ने इस अदालत में आप-पत्र

सिद्ध मुकुन्दमा दायर किया है कि उसकी पुत्री नाम रविता ठाकुर का जन्म दिनांक 14-7-1988 को हुआ है। परन्तु ग्राम पंचायत मन्त्र में जन्म तिथि पंजीकृत न है। अतः इस पंजीकृत किये जाने के आदेश दिये जायें।

इस नोटिस के द्वारा समस्त जनता को तथा सम्बन्धित सम्बन्धियों को सूचित किया जाता है कि यदि किसी को उपरोक्त रविता ठाकुर की जन्म तिथि पंजीकृत किये जाने वाले कोई एतराज हो तो वह अपना एतराज हमारी अदालत में दिनांक 22-12-2006 को प्रस्तुत करना या वकालतन हाजिर आकर पेश कर सकता है अन्यथा भूतबिक शपथमत्त जन्म तिथि पंजीकृत किये जाने वाले आदेश पारित कर दिये जायेंगे।

भाज दिनांक 1-11-2006 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर। एच० धार० भाटिया,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील घमणाला, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

मुकुन्दमा :—जन्म तिथि पंजीकरण बारे।

बनाम
दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्री लाल चन्द पुत्र श्री धनी राम, निवासी रज्याणा ने इस अदालत में दरखास्त दी है कि उसके पुत्र शाहिज की जन्म तिथि पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है, अब दर्ज किये जाने के आदेश पारित किये जायें, जिसकी जन्म तिथि 29-9-2001 है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

भाज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

व मुकुन्दमा :—जन्म तिथि पंजीकरण बारे।

बनाम
दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्रीमती कुमम कुमारी पत्नी श्री राजीव कुमार, निवासी पुराना कांगड़ा ने इस अदालत में दरखास्त दी है कि उसकी पुत्री मेहा की जन्म तिथि पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है, अब दर्ज किये जाने के आदेश पारित किए जायें, जिसकी जन्म तिथि 2-9-2002 है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

भाज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

उनवान :—मृत्यु तिथि के पंजीकरण बारे।

श्री विनोद कुमार पुत्र श्री प्रेम प्रकाश मेहता, निवासी नगरोटा बगवा, तहसील व जिला कांगड़ा, हिमाचल प्रदेश।

बनाम
ग्राम जनता

दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्री विनोद कुमार पुत्र श्री प्रेम प्रकाश मेहता, निवासी नगरोटा बगवा ने इस अदालत में दरखास्त दी है कि उसकी पत्नी श्रीमती सुभा मेहता जिसकी मृत्यु दिनांक 3-11-2004 को हुई है, जिसकी मृत्यु पंजीकरण नगर परिषद् के अभिलेख में गलती से दर्ज न करवाई गई है, अब दर्ज करने के आदेश पारित किए जायें।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उसकी मृत्यु दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

भाज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

न्यायालय श्री जसदीश राम, नायब तहसीलदार व सहायक समाहर्त द्वितीय
श्रेणी, खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश

किस्म : राजस्व अभिलेख में नाम की दुस्स्ती

तिथि दायरा : 7-11-2006
तिथि पेशी 27-12-2006

श्री जोगिन्द्र सिंह पुत्र श्री गुलाब, निवासी, भटावां, मोजा तिहोर-
वाला, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश . . . प्राप्ति।

बनाम
प्रतिवादीगण

विषय :—राजस्व अभिलेख में नाम की दुस्स्ती।

उपरोक्त वांछित प्राप्ति ने श्रीहस्ताक्षरी के न्यायालय में हाजिर होकर राजस्व अभिलेख में नाम की दुस्स्ती हेतु प्रकरण दायर

किया है। प्रार्थी के अनुसार उसका विख्यात नाम जोगिन्द सिंह है। व इसी नाम से सम्बन्धित ग्राम पंचायत व शैक्षणिक अभिलेख में प्रतिवादी दर्ज है। जबकि राजस्व अभिलेख में प्रार्थी का नाम राजेन्द्र दर्ज है जिससे प्रार्थी को कई प्रकार की व्यवहारिक कठिनाईयाँ का सामना करना पड़ रहा है। अतः प्रार्थी के नाम की राजस्व अभिलेख में दुस्ती की जावे।

ग्राम प्रकरण को स्वीकृत करते हुए इस विज्ञप्ति के माध्यम में प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी भी सरकारी या प्रार्थी के संग सम्बन्धी प्रार्थी के नाम की राजस्व अभिलेख में दुस्ती बारे किसी प्रकार की आपत्ति हो तो वह दिनांक 27-12-2006 को भ्रमालतन या वकालतन हाज़िर भ्रमालतन होकर प्रस्तुत कर सकता है। अन्यथा इस तिथि को कोई आपत्ति पेश न होने की मूलतः प्रतिवादी ग्राम जनता के विरुद्ध एकतरफा कार्यवाही प्रमत्त में लाते हुए राजस्व अभिलेख में राजेन्द्र के स्थान पर जोगिन्द सिंह उपनाम राजेन्द्र की प्रविष्टि दर्ज करने के आदेश पारित कर दिए जावेंगे।

ग्राम दिनांक 7-11-2006 को मेरे हस्ताक्षर व मोहर भ्रमालतन सहित जारी हुआ।

जगदीश राम,
सहायक समाह्वान प्रथम श्रेणी,
जिला कांगड़ा, हिमाचल प्रदेश।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व सहायक समाह्वान
द्वितीय श्रेणी, खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

प्रकरण किस्म राजस्व अभिलेख में नाम की दुस्ती

तिथि दायरा 10-11-2006
तिथि पेशी 28-12-2006

श्री चन्दर सिंह पुत्र श्री बेनो राम, निवासी मुहान तली, मंजरा हवहोल,
तहसील खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

बनाम

ग्राम जनता प्रतिवादी

विषय: राजस्व अभिलेख में नाम की दुस्ती हेतु प्रायना-गत्र

उपरोक्त वर्णित प्रार्थी ने अधोहस्ताक्षरी के न्यायालय में भ्रमालतन हाज़िर होकर राजस्व अभिलेख में अपने नाम की दुस्ती हेतु प्रायना-गत्र पेश किया है। प्रार्थी के अनुसार उसका नाम मंसिणिक अभिलेख व पंचायत अभिलेख में चन्दर सिंह दर्ज है। किन्तु राजस्व अभिलेख में प्रार्थी का नाम चतर सिंह दर्ज हो गया है। जिससे प्रार्थी को कई प्रकार की व्यवहारिक कठिनाईयाँ का सामना करना पड़ रहा है। अतः प्रार्थी अपने नाम की राजस्व अभिलेख में दुस्ती करवा करके चतर सिंह के स्थान पर चन्दर सिंह की प्रविष्टि दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकार करते हुए इस विज्ञप्ति के माध्यम में प्रतिवादी ग्राम जनता व किसी भी हितवद् संस्था या व्यक्ति को सूचित किया जाता है कि यदि किसी को उपरोक्त प्रार्थी के नाम की राजस्व अभिलेख में दुस्ती करवाने बारे किसी प्रकार की आपत्ति हो तो वह दिनांक 28-12-2006 को भ्रमालतन या वकालतन हाज़िर न्यायालय होकर अपनी आपत्ति पेश कर सकता है। अन्यथा इस तिथि को किसी प्रकार की आपत्ति पेश न होने की स्थिति में प्रतिवादी ग्राम जनता के विरुद्ध एक पक्षीय कार्यवाही प्रमत्त में लाते हुए राजस्व अभिलेख में चतर सिंह के स्थान पर चतर सिंह उपनाम चन्दर सिंह की प्रविष्टि दर्ज कर दी जाएगी।

ग्राम दिनांक 10-11-2006 को मेरे हस्ताक्षर व न्यायालय को मोहर सहित जारी हुआ।

मोहर। जगदीश राम,
सहायक समाह्वान द्वितीय श्रेणी,
खुण्डिया, जिला कांगड़ा (हि० प्र०)।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व सहायक समाह्वान
द्वितीय श्रेणी, खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा: राजस्व अभिलेख में नाम दुस्ती बारे।

तिथि दायरा: 9-11-2006

तिथि पेशी: 28-12-2006

श्री पृथी चन्द पुत्र श्री कानो दास, निवासी चौकी, मौजा मुठयालता,
तहसील खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

बनाम

ग्राम जनता प्रतिवादी।

विषय: राजस्व अभिलेख में नाम की दुस्ती।

उपरोक्त वर्णित प्रार्थी ने अधोहस्ताक्षरी के न्यायालय में व्यक्तिगत रूप से उपस्थित होकर अपने नाम की राजस्व अभिलेख में नाम की दुस्ती हेतु प्रकरण दायर किया है। प्रार्थी के अनुसार उसका प्रसिद्ध नाम पृथी चन्द है तथा इसी नाम से पंचायत अभिलेख में प्रविष्टि दर्ज है। जबकि राजस्व अभिलेख में प्रार्थी का नाम जगदीश चन्द दर्ज है। जिससे प्रार्थी को कई प्रकार की व्यवहारिक कठिनाईयाँ का सामना करना पड़ रहा है। अतः प्रार्थी के नाम की राजस्व अभिलेख में दुस्ती की जावे।

अतः प्रकरण को स्वीकृत करते हुए इस विज्ञप्ति के माध्यम से प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति/संस्था अध्या प्रार्थी के संग सम्बन्धी प्रार्थी के नाम की दुस्ती बारे किसी प्रकार की आपत्ति हो तो वह दिनांक 28-12-2006 को भ्रमालतन या वकालतन हाज़िर भ्रमालतन होकर अपनी आपत्ति प्रकट कर सकता है। अन्यथा उक्त तिथि को किसी प्रकार की आपत्ति प्रकट न होने की मूलतः प्रतिवादी ग्राम जनता के विरुद्ध एक तरफा कार्यवाही करते हुए जगदीश चन्द के स्थान पर राजस्व अभिलेख में जगदीश चन्द उपनाम पृथी चन्द की प्रविष्टि दर्ज करने के आदेश पारित कर दिये जाएंगे।

ग्राम दिनांक 9-11-2006 को मेरे हस्ताक्षर व मोहर भ्रमालतन सहित जारी हुआ।

मोहर। जगदीश राम,
सहायक समाह्वान द्वितीय श्रेणी,
खुण्डिया, जिला कांगड़ा (हि० प्र०)।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व कार्यकारी दण्डाधिकारी,
खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

किस्म प्रकरण: विवाह पंजीकरण बारे।

तिथि दायरा: 15-11-2006

तिथि पेशी: 30-12-2006

श्री बीरबल पुत्र श्री सीता राम, निवासी गन्धवाड़ घास, डाकघर
सुरानी, तहसील खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

बनाम

ग्राम जनता प्रतिवादी।

विषय:—वर्गन करवाने दर्ज शादी खुद रिकार्ड ग्राम पंचायत सुरानी,
तहसील खुण्डिया, जिला कांगड़ा।

उपरोक्त वर्णित प्रार्थी ने अधोहस्ताक्षरी के न्यायालय में भ्रमालतन हाज़िर होकर अपने विवाह को पंजीकृत करवाने हेतु प्रकरण दायर किया है।

प्रार्थी के अनुसार उसकी मादी दिनांक 17-11-2003 को हिन्दु रीति-रिवाज अनुसार श्रीमती ज्योति शर्मा पुत्री श्री केसर चन्द, निवासी

श्री व डाकधर मरेडी, तहसील भोरङ, जिला हमीरपुर, हिमाचल प्रदेश से हुई है। प्रार्थी के अनुसार वह प्रत्यक्ष इस शादी को स्थानीय ग्राम पंचायत मुरानी में दर्ज नहीं करवा सका है। अतः अब न्यायालय में आदेश प्राप्त करके अपनी विवाह तिथि जो कि 17-11-2003 है को स्थानीय ग्राम पंचायत के अभिलेख में दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता/किसी भी हितवध संस्था/व्यक्ति या प्रार्थी के सगे सम्बन्धी को इस विजिज्ण माध्यम से सूचित किया जाता है कि यदि किसी को उपरोक्त प्रार्थी की विवाह तिथि के पंजीकरण बारे आपत्ति हो तो वह दिनांक 30-12-2006 को अपनी आपत्ति प्रकट कर सकता है अन्यथा इस तिथि को किसी प्रकार की आपत्ति प्रकट न होने की मूल में प्रार्थी को विवाह तिथि जो कि 17-11-2003 है, को दर्ज करने के आदेश स्थानीय ग्राम पंचायत विकास अधिकारी को पारित कर दिए जायेंगे।

आज दिनांक 15-11-2006 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर। जगदीश राम,
कार्यकारी दण्डाधिकारी,
खुण्डियां, जिला कांगड़ा (हि० प्र०)।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व कार्यकारी दण्डाधिकारी,
खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा : जन्म पंजीकरण तिथि दायरा : 15-11-2006
तिथि पेजी : 30-12-2006

श्री वीरवल पुत्र श्री सीता राम, निवासी गंधवाड़ खास, डाकघर मुरानी, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश प्रार्थी।

वनाम प्रतिवादी।
ग्राम जनता

विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के तहत जन्म पंजीकरण हेतु प्रार्थना-पत्र।

उपरोक्त वर्णित प्रार्थी ने अधोहस्ताक्षरी के न्यायालय में असालतन हाजिर होकर अपने पुत्र कातिक गर्मा जो कि दिनांक 20-10-2004 को जन्मा है, की जन्म तिथि को पंचायत अभिलेख में दर्ज करवाने हेतु प्रार्थना दायर किया है।

प्रार्थी के अनुसार वह अपने पुत्र कातिक गर्मा की जन्म तिथि को स्थानीय पंचायत अभिलेख में दर्ज नहीं करवा सका है। अतः अब न्यायालय से आदेश प्राप्त करके उसकी जन्म तिथि को स्थानीय पंचायत अभिलेख में दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी को उपरोक्त कातिक गर्मा जो कि 20-10-2004 को जन्मा है, की जन्म तिथि पंजीकरण बारे कोई आपत्ति हो तो वह दिनांक 30-12-2006 को असालतन या बकालतन हाजिर अदालत होकर अपनी आपत्ति दायर कर सकता है अन्यथा उक्त तिथि को किसी प्रकार की आपत्ति पेश न होने की मूल में उपरोक्त कातिक गर्मा के जन्म पंजीकरण के आदेश स्थानीय ग्राम पंचायत विकास अधिकारी को पारित कर दिए जायेंगे।

आज दिनांक 15-11-2006 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर। जगदीश राम,
कार्यकारी दण्डाधिकारी, खुण्डियां
जिला कांगड़ा, हिमाचल प्रदेश।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व कार्यकारी दण्डाधिकारी,
खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा : जन्म पंजीकरण तिथि दायरा : 15-11-2006
तिथि पेजी : 30-12-2006

श्री वीरवल पुत्र श्री सीता राम, निवासी गंधवाड़ खास, डाकघर मुरानी, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश प्रार्थी।
वनाम प्रतिवादी।

ग्राम जनता
विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के तहत जन्म पंजीकरण हेतु प्रार्थना-पत्र।

उपरोक्त वर्णित प्रार्थी ने अधोहस्ताक्षरी की अदालत में असालतन हाजिर होकर अपनी पुत्री मासी गर्मा जो कि दिनांक 25-8-2005 को जन्मी है, के जन्म को स्थानीय पंचायत के अभिलेख में दर्ज करवाने हेतु प्रकरण किया है।

प्रार्थी के अनुसार वह अपनी पुत्री मासी गर्मा की जन्म तिथि जो कि 25-8-2005 है। स्थानीय ग्राम पंचायत अभिलेख में दर्ज नहीं करवा सका है। अतः अब न्यायालय से आदेश प्राप्त करके अपनी पुत्री मासी गर्मा की जन्म तिथि को दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति, संस्था या प्रार्थी के किसी भी सम्बन्धी को उपरोक्त मासी गर्मा जो कि दिनांक 25-8-2005 को जन्मी है, के जन्म को पंजीकृत करवाने बारे आपत्ति हो तो वह दिनांक 30-12-2006 को असालतन या बकालतन हाजिर अदालत होकर अपनी आपत्ति प्रकट कर सकता है अन्यथा इस तिथि को किसी प्रकार की आपत्ति प्रकट न होने की मूल में मासी गर्मा के जन्म पंजीकरण के आदेश पारित कर दिए जायेंगे।

आज दिनांक 15-11-2006 को हमारे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर। जगदीश राम,
कार्यकारी दण्डाधिकारी,
खुण्डियां, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री मनोज कुमार, नायब तहसीलदार एवं सहायक समाहर्ता
द्वितीय श्रेणी पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

मु० नं० : 17/एन० टी०-11/06 तारीख पेजी 28-12-06

श्री दिल सिंह पुत्र शक्ति चन्द, निवासी ननाहार मौजा कण्डवाड़ी तहसील पालमपुर, जिला कांगड़ा हिमाचल प्रदेश प्रार्थी।

वनाम सर्वतावारण एवं ग्राम जनता

उनवान मुकद्दमा : प्रार्थना-पत्र दस्तवी नाम।

श्री दिल सिंह पुत्र श्री शक्ति चन्द, निवासी मुहाल ननाहार, मौजा कण्डवाड़ी, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र दिया है कि प्रार्थी का नाम राजेश्वर अभिलेख में दलवर दर्ज है जबकि प्रार्थी का नाम दिल सिंह है।

अतः इस इस्तहार द्वारा हर बात व ग्राम को सूचित किया जाता कि यदि इस बारे किसी को उक्त नाम दस्तवी बारे आपत्ति हो तो वह दिनांक 28-12-2006 को असालतन या बकालतन अपना एतराज अदालत में हाजिर आकर पेश कर सकता है। इसके बाद कोई भी उजर या एतराज नहीं मूना जायेगा।

आज दिनांक 28-11-2006 को हमारे हस्ताक्षर व मोहर सहित जारी हुआ।

मोहर। मनोज कुमार,
नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी,
पालमपुर, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री मनोज कुमार, नायब तहसीलदार एवं कार्यकारी सहायक, राजपुर, जिला कांगड़ा, हिमाचल प्रदेश

व अदालत श्री किशोरी लाल, कार्यकारी वक्ताधिकारी, जोगिन्दर जिला मण्डी, हिमाचल प्रदेश

केस नं० 79/NT-II/06.

तारीख पेची : 28-12-2006.

व मुकद्दमा :

सन्तोष कुमार

वनाम

सर्वसाधारण एवं ग्राम जनता

Sh. Dawa Tresing s/o Sh. Karma Paru, s/o Tibetan Colony, Chauntra, Tehsil Joginder Nagar, District Mandi (H. P.).

वनाम

ग्राम जनता

प्रार्थना-पत्र अर्धन घाटा 13 (3) जन्म एवं मृत्यु पंजीकरण प्राधिनियम, 1969.

प्रार्थना-पत्र जेर घाटा 13 (3) जन्म एवं मृत्यु पंजीकरण प्राधिनियम, 1969.

श्री सन्तोष कुमार पुत्र श्री ईश्वर दास, निवासी महाल व मोजा राजपुर, तहसील चान्त्रा, जिला जोगिन्द्र (हि० प्र०) ने इस समीप में प्रार्थना-पत्र दिया है कि उसकी लड़की कोमल का जन्म दिनांक 27-2-2005 को हुआ है मगर ग्राम पंचायत राजपुर के अभिलेख में दर्ज नहीं है।

अतः इस दृष्टिकोण से इसका सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उज्जर या एतराज हो तो वह दिनांक 28-12-2006 को सुबह 10 बजे असासतन या बकासतन हाजिर आकर प्रस्तुत कर सकता है। बाद गुजरने नियाद कोई भी उज्जर या एतराज कबिले समापन न होगा तथा कुमारी कोमल पुत्री श्री सन्तोष कुमार को जन्म तिथि 27-2-2005 के पंजीकरण आदेश सम्बन्धित म्युनिपल कमिटी को पारित कर दिए जाएंगे।

प्राज दिनांक 30-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर :

मनोज कुमार,

नायब तहसीलदार एवं कार्यकारी वक्ताधिकारी, राजपुर, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री किशोरी लाल, कार्यकारी वक्ताधिकारी, जोगिन्दरनगर जिला मण्डी, हिमाचल प्रदेश

व मुकद्दमा :

किशोरी लाल, कार्यकारी वक्ताधिकारी, जोगिन्दरनगर, जिला मण्डी (हि० प्र०)।

व अदालत श्री जोगिन्दर पटियाल, नायब तहसीलदार एवं सहायक समाह्वता द्वितीय श्रेणी, सन्धोल, जिला मण्डी (हि० प्र०)

उपनाम मुकद्दमा : नाम दस्तवी तारीख पेची : 28-12-2006

श्री चमन लाल पुत्र श्री जैराम, निवासी सेह, डाक घर धनारा, उप-तहसील सन्धोल, जिला मण्डी (हि० प्र०)

वनाम

ग्राम जनता

वनाम

ग्राम जनता

प्रार्थना-पत्र जेर घाटा 13 (3) जन्म एवं मृत्यु पंजीकरण प्राधिनियम, 1969.

विषय—नाम दस्तवी घाटे।

Mr. Taxhi Dhundup s/o Shri Dechon, r/o Tibetan Colony, Chauntra ने इस अदालत में प्रार्थना-पत्र गुजारा है कि प्रार्थी के परिवार का नाम पंचायत में दर्ज नहीं करा गया। 1. Tashi Dhundup (स्वयं) 2-12-1964, 2. Mrs. Tsering Kyizon (पत्नी) 8-10-1973, 3. Miss. Tashi Lhamo (पुत्री) 21-12-2000, 4. Mr. Dawa Tsering (भ्राता) 10-5-1956 को हुआ था परन्तु प्रजानतापत्र वह उनके नाम व जन्म तिथियां मगर पंचायत के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण जनता को इस दृष्टिकोण से सूचित किया जाता है कि यदि इस बारे किसी को उज्जर या एतराज हो तो वह दिनांक 22-12-2006 को प्रातः 10.00 बजे अदालत में असासतन या बकासतन हाजिर हो सकता है। अन्यथा कार्यवाही एक तरफा प्रमल में लाई जाएगी।

प्राज दिनांक 21-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर :

किशोरी लाल,

कार्यकारी वक्ताधिकारी, जोगिन्दरनगर, जिला मण्डी (हि० प्र०)।

मोहर :

प्राज दिनांक 20-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

जोगिन्दर पटियाल, सहायक समाह्वता द्वितीय श्रेणी, सन्धोल, जिला मण्डी (हि० प्र०)।

व अदालत महायुक्त समाहर्ता प्रथम श्रेणी सरकाषाट,
जिला मण्डी, हिमाचल प्रदेश

In the Court of Shri O. P. Kant, Sub-Divisional
Magistrate Shimla(R), District Shimla, Himachal Pradesh

Shri Mukand Lal s/o Shri Prakash Sharma r/o
Village Cheotha, Tehsil and District Shimla.. Applicant.

Versus

General Public

मुकदमा शीर्षक :

श्री शंकर दाम पुत्र नील राम, गांव कौहण, ईलाका प्रमलपुर,
तहसील सरकाषाट, जिला मण्डी, हिमाचल प्रदेश प्राचीन ।

बनाम

ग्राम जनता

प्रत्यार्थी ।

प्राथम्य-पत्र दस्तुती नामा महाल कौहण :

श्री शंकर दाम पुत्र नील राम, निवासी कौहण, ईलाका
प्रमलपुर ने इस न्यायालय में प्राथम्य-पत्र पेश किया है कि उसका
राही नाम शंकर दाम है। परन्तु राजस्व रिफाई मुहाल कौहण में
गलती से उसका नाम शुकुफ दर्ज है।

अतः ग्राम जनता को इस्तहार द्वारा सूचित किया जाना है
कि यदि किसी व्यक्ति को उक्त नाम दस्तुती बारे कोई एतराज
हो तो वह प्रमलतन या वकालतन दिनांक 23-12-2006 को
प्रातः दस बजे पेश कर सकते हैं। गैर हाजिरी की सूत में
कार्यवाही एक प्रतीय प्रमल में लाई जायेगी।

आज दिनांक 21-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता,

प्रथम श्रेणी सरकाषाट,

जिला मण्डी, हिमाचल प्रदेश ।

व अदालत महायुक्त समाहर्ता द्वितीय श्रेणी रोहड़, जिला शिमला,
हिमाचल प्रदेश

1 श्री देवगुण सिंह पुत्र श्री कृष्ण सिंह, 2. श्रीमती वसुती देवी
स्व० श्री प्रशवनी कुमार, 3. श्री विनीत पुत्र स्व०
श्रीमती कुमार, 4. कुमारी प्रगती पुत्री स्व० श्री प्रशवनी कुमार,
निवासीगण ग्राम गावणा, तहसील रोहड़, जिला शिमला, हिमाचल
प्रदेश प्राचीनगण ।

बनाम

ग्राम जनता

प्रत्यार्थी ।

विषय:-तत्पक्ष इतकाल बरास्त श्री सिधू राम पुत्र धनसुख,
निवासी गावणा, वहक प्राचीनगण ।

प्राचीनगण उपरोक्त ने इस न्यायालय में दरखास्त देकर प्राथम्य
की है कि श्री सिधू राम पुत्र धनसुख, निवासी गावणा ने
वर्ष 1990 में एक वसोयत उनके नाम दर्ज कराई थी। उक्त
श्री सिधू राम 1992 से लापता है उसके जन्दा व मुरी होने
बारे कोई पता न है। प्राचीनगण ने निवेदन किया है कि उक्त
श्री सिधू राम की बरास्त का इतकाल मुताबिक वसोयत वहक
प्राचीनगण दर्ज किया जावे।

अतः इस्तहार द्वारा ग्राम जनता व वासिन्दगण देह तथा
उक्त श्री सिधू राम को सूचित किया जाता है कि यदि किसी
व्यक्ति को श्री सिधू राम को बरास्त का इतकाल वहक प्राचीनगण
दर्ज कराने में कोई उजर व एतराज हो तो वह उस न्यायालय
में प्रमलतन व वकालतन दिनांक 27-12-2006 को प्रातः
10 बजे पेश करें। दिगर सूत में एक उरका कार्यवाही अमल में
लाई जायेगी।

दिनांक 20-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता,

द्वितीय श्रेणी रोहड़,

जिला शिमला, हिमाचल प्रदेश ।

व अदालत श्री के० एस० लाल्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमौर, हिमाचल प्रदेश

मिसल नम्बर 39/06

उनवान मुकदमा :

श्री नरेश कुमार पुत्र स्व० श्री बान किरण, निवासी चांसी, नहमीन
नाहन ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रेशन
अधिनियम, 1969.

इस अदालत में श्री नरेश कुमार प्राचीन ने एक नातिन
प्रस्तुत की है कि उसकी पुत्री पायल चौहान को जन्म तिथि 10-11-2004
है जो कि ग्राम पंचायत/नगर परिषद् सूत्रा के कार्यालय में दर्ज नहीं
है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी
नगर परिषद् सूत्रा से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि
उन्के कार्यालय में दर्ज नहीं है।

अतः बजरिया इस इस्तहार के अमल ग्राम जनता ग्राम पंचायत/
नगर परिषद् सूत्रा प्राचीन के रिश्तेदारों को सूचित किया जाता है कि
उक्त जन्म तिथि कु० पायल चौहान के दर्ज होने वाले कोई उजर व
एतराज हो तो वह अमलतन या वकालतन ग्राम जनता उजर व एतराज
दिनांक 26-12-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकते हैं।
बाद गुजरने बिना नारीव कोई भी उजर व एतराज कावने
समाप्त न होगा तथा प्रकरण पर अन्तिम आदेश पारित कर
दिये जायेंगे।

आज दिनांक 28-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

के० एस० लाल्टा,

कार्यकारी दण्डाधिकारी,

नगर सिरमौर (दि० प्र०) ।

ब भद्रालत श्री के० एस० लाल्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमौर, हिमाचल प्रदेश

भाज दिनांक २८-११-२००६ को मेरे हस्ताक्षर व मोहर प्रदत्त
से जारी हुआ ।

मिसल नम्बर : ४०/०६.

मोहर ।

उनवान मुकदमा :

श्री कमलेश कुमार पुत्र श्री धर्म सिंह, निवासी कोलावाला भूड,
तहसील नाहन, जिला सिरमौर (हि० प्र०) ।

ब भद्रालत श्रीमती भगवती महाजन, उप-मण्डल दण्डाधिकारी, पाँवडा
साहिब, जिला सिरमौर (हि० प्र०)

बनाम

श्री संजय शर्मा पुत्र श्री भार० सी० शर्मा, निवासी पाँवडा साहिब,
तहसील पाँवडा साहिब, जिला सिरमौर, हिमाचल प्रदेश ।

ग्राम जनता

बनाम

ग्राम जनता

दरखास्त जेर धारा १३ (३) जन्म एवं मृत्यु रजिस्ट्रिकरण
प्रधिनियम, १९६९.

इस भद्रालत में श्री कमलेश कुमार प्रार्थी ने एक नालिश प्रस्तुत की है कि उसकी पुत्री कु० भावना की जन्म तिथि ७-३-२००२ है जो कि ग्राम पंचायत कोलावाला भूड के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् कोलावाला भूड से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बजरिया इस इशतहार के समस्त ग्राम जनता ग्राम पंचायत/नगर परिषद् कोलावाला भूड प्रार्थी के रिश्तेदारों को सूचित किया जाता है कि उनका जन्म तिथि कु० भावना के दर्ज होने वाले कोई उजर या एतराज हो तो ग्रामपालतन या बकालतन अपना उजर व एतराज दिनांक २६-१२-२००६ को प्रातः १०.०० बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समाप्त न होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिये जाएंगे।

भाज दिनांक २८-११-२००६ को हमारे हस्ताक्षर व मोहर भद्रालत से जारी हुआ ।

मोहर ।

के० एस० लाल्टा,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमौर, हिमाचल प्रदेश ।

ब भद्रालत श्री के० एस० लाल्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमौर, हिमाचल प्रदेश

मिसल नम्बर : ४१/०६.

उनवान मुकदमा :

श्री फारूक पुत्र श्री नीलार, निवासी भमरपुर, तहसील नाहन

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा १३ (३) जन्म एवं मृत्यु रजिस्ट्रिकरण
प्रधिनियम, १९६९.

इस भद्रालत में श्री फारूक प्रार्थी ने एक नालिश प्रस्तुत की है कि उसकी पुत्री कु० धर्माणा की जन्म तिथि १७-३-२००५ जो कि ग्राम पंचायत/नगर परिषद् नाहन के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् नाहन से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बजरिया इशतहार से समस्त जनता नगर परिषद् नाहन, प्रार्थी के रिश्तेदारों को सूचित किया जाता है कि उक्त कु० धर्माणा की जन्म तिथि के दर्ज होने वाले कोई उजर व एतराज हो तो वह असाततन या बकालतन अपना उजर व एतराज दिनांक २६-१२-२००६ को प्रातः १०.०० बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समाप्त नहीं होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिये जाएंगे।

भाज दिनांक २७-११-२००६ को मेरे हस्ताक्षर व मोहर भद्रालत से जारी हुआ ।

मोहर ।

श्रीमती महाजन,
उप-मण्डल दण्डाधिकारी,
पाँवडा साहिब, जिला सिरमौर (हि० प्र०) ।

ब भद्रालत श्री जे० सी० शर्मा, सहायक समाहर्ता, प्रथम श्रेणी, रेणुकाजी
नियत संगड़ाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं० : २६/२००५

तारीख मरजुमा : ६-६-२००५

गंगा राम पुत्र खेड़ आदि निवासी टटवा (ब्योंग टटवा), तहसील
रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश

बनाम

सन्त राम पुत्र भूपा आदि, निवासी ब्योंग टटवा, तहसील रेणुकाजी,
जिला सिरमौर, हिमाचल प्रदेश ।

दरखास्त तहसील मुखकार भूमि बाबत खाता खतीन नं० ११५ मिन/२७४ ता ३६० किता ५२६ तदादी २४५०-१९-बीथा सामनात देह हस्-रसद घेबट बाका रकबा भौआ ब्योंग टटवा, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश ।

मुकदमा उपरोक्त भद्रालत हुआ में बिचाराधीन है जिसमें सन्त राम लायक दीप राम पुत्र भूपा, निवासी ब्योंग, मेना पुत्री भूपा पत्नी मंगल सिंह, निवासी कुलन, उप-तहसील कुपवी, सुमीठा, पदमा, सीता (नावागिन) पुत्रियाँ व कुलदीप पुत्र (नावागिन) दुना निवासी ब्योंग बजरिया वला सत्तरस्ता मस्ता देवी पत्नी दुना, रोमान लाल पुत्र दुना, मस्ता देवी विधवा दुना, निवासी ब्योंग, शिव राम पुत्र दुना, निवासी ब्योंग, देवी की पत्नी नीका राम निवासी कुलन, टोसिया, मोही राम पुत्र कासिया निवासी ब्योंग, बीजा राम पुत्र धोन्, निवासी ब्योंग, सुली पत्नी जौतु निवासी टटवी, लखौमी पुत्री धोन् पत्नी नरयण सिंह, निवासी टटवी, उप-तहसील कुपवी, तुलसी राम पुत्र पृष्ठा निवासी ब्योंग, मच्छी पत्नी नन्त राम, निवासी कनाबी, उप-तहसील रोहनाट, नैतु पुत्र भजन,

निवासी व्योम, मोहन मान पुत्र व दुर्गा विधवा चेत राम, निवासी व्योम, सुदीप चन्द पुत्र लच्छमी राम, निवासी व्योम, कान्ता पत्नी चन्द्रमणि निवासी व्यास, मेहन्दी विधवा लच्छमी राम, निवासी व्योम, गोता राम, विजय सिंह पुत्र सीदीया निवासी व्योम, सुरतो पत्नी रामका, निवासी गोता मन्थवारी, नमनो पत्नी नमन राम, निवासी गानाधार, दुर्गा पत्नी सन्त राम, निवासी गानाधार, श्रीनो पत्नी मोक्षया, निवासी व्योम, मेरा राम पुत्र कुन्द सिंह, निवासी दुहरी, रान सिंह पुत्र योन्, निवासी व्योम, हीरो पत्नी बीर, सिंह निवासी इत्यान्, जोतू पुत्र मेहर्, निवासी व्योम, मेहन्दी पत्नी देवी राम, निवासी भलाना, मालो पत्नी टीट, निवासी भलाना, सीदा पत्नी बन्सी राम, निवासी बडोल, जय राम पुत्र सनिया, बसीया, मोहीरा पुत्र मगनो, निवासी व्योम झरडी, पत्नी धनो व शंकटी पत्नी रामदत्त, निवासी कुलग सुरतो पत्नी नापान्म, निवासी दुहरी, गोता राम, रस सिंह, गान सिंह पुत्रान कालीग, निवासी व्योम, सुरतो विधवा कालीया, स्वयं व बलोमपरन्ता कु 0 गोता, कुन्दा पुत्री कान्ताया बह्मचारी श्याम रणकाजी, शानि पुत्री कालीया, निवासी दुहाई, चम्पी पत्नी मोही राम, निवासी भनईना, उर-तहसील फकीर, नुम्मी पत्नी मुख राम, निवासी भनईना, रिस्की राम, बहादुर राम, राम कृष्ण, पुत्र धानू, निवासी व्योम, गकनो विधवा धानू स्वयं व बलीमपरन्ता चित्ता पुत्री धानू, निवासी व्योम, कोयर्, दोलता पुत्रान मोना, निवासी व्योम, कनको बुन्दडी पुत्रियां मोना पतियां नामालूम, निवासी कुलग, देवी राम, हातू राम, राजू केदार सिंह पुत्रान जातो राम, निवासी कुलग, तारो देवी विधवा दुर्गा पुत्रियां जाती राम, निवासी कुलग, हीरा सिंह चन्दन, कृपा राम जीवन सिंह पुत्रान फकीर, निवासी व्योम, रामदेई पत्नी मिता राम, निवासी कुलग केदारी, पुत्री फकीर, निवासी कुलग, नतो विधवा फकीर, निवासी व्योम, भनन्त राम, घनी राम, देव राज पुत्रान बन्सी, निवासी व्योम, बुन्दी देवी पत्नी नमन, राम निवासी दुहाई, कला देवी पत्नी बन्सी राम, भीरू सुपुत्र हीरा राम, निवासी व्योम, मुन्नी बकटी, पतियां जातो राम, निवासी बडोल, बन्सी राम पुत्र सोभा राम, निवासी बगीचा, (फोट) जायज वारिस नाल सिंह रमेज पुत्र व हीरो विधवा बन्सी राम, निवासी बडोल, मेहन्दी, फतरो पतियां मेता राम, निवासी बडोल, क्यारसी पुत्री बन्सी राम, निवासी बन्सीर, बट्ट पुत्र सोभा, निवासी बगियां (फोट) जायज वारिस मोहर सिंह, पुत्र जेट्ट, निवासी बगीचा, सुन्दर सिंह पुत्र सोभा, निम्की विधवा सोभा, निवासी बगीचा, ज्ञानम सिंह पुत्र कागिया, सोम दत्त पुत्र जीवन सिंह, निवासी बगीचा, इन्द्रा देवी पत्नी धोम प्रकाश, निवासी बडोल, श्यामा देवी पुत्री जीवन सिंह, निवासी व्योम, सीमा देवी मन्त्र पुत्रियां जीवन सिंह (माथालिग) द्वारा पिता, मूरतू-जीवण, दोलत राम, कंठी राम, पुत्रान अलावा, राम, चन्द्र, दलीप सिंह, मोहन नाल, विलग सिंह पुत्रान नगन, निवासी व्योम, दुर्गा पत्नी बीर सिंह, निवासी भनानो, विचाडी पत्नी डोलू राम, निवासी कानाडी, मूरतो पत्नी संत राम, निवासी कुलग, उतो पत्नी बिबन्याय, निवासी शमरा, फुन्दी पुत्री लगनू (फोट), जायज वारिस रमेज, विधवाय, निवासी बोगधार, श्यामा पत्नी रमेज, निवासी सानाहा (डाहर, सुन्दरी पत्नी लायक राम, निवासी बडोल, फलमा, पत्नी दीप राम, निवासी चूजाहां, कोशल्या पत्नी सही राम निवासी कुलग, जिजी-मुरसी विधवा व्योम, रमेज कुमार पुत्र शावणो, गड पुत्र शावणो, कोशल्या, श्यामा पुत्रियां शावणो, निवासी बोगधार, शावणी, पुत्री मोती राम, निवासी चोपाल, जागर सिंह, आराम राम पुत्र महेन्द्र सिंह, निवासी व्योम, मुन्वी महेन्द्र सिंह, निवासी चाइना, दया देवी, पत्नी देवी राम, निवासी किण, सीता राम, हुक्मी राम पुत्र मोहलू निवासी व्योम, चान्दन सिंह पुत्र सोता राम, निवासी व्योम, हीरो देवी पत्नी नैण, निवासी कुलग, मुमोबा पत्नी मंगत राम, निवासी दुहाई, ममको विधवा सीता राम, सुरेज, प्रेमचन्द, दिनेश पुत्र बस्ती राम, निवासी व्योम, देव प्रकाश प्रदीप कुमार, पुत्रान, केवल राम, मनोप, मंगीता पुत्रियां विचा, निवासी व्योम, विधा विधवा केवल राम, निवासी व्योम, कृष्णा पत्नी मंगत राम, निवासी दुहाई, श्यामा, इन्द्रा पुत्रियां व झरडी विधवा बस्ती राम, निवासी व्योम, मालो पुत्री मोहलू (फोट) जायज वारिस दोलत राम पुत्र सालो, निवासी बडोल, हरो राम पुत्र व बिकनो पुत्री बार, निवासी व्योम, चिगे पुत्री बार, निवासी भलाना, नतो पुत्री बार, निवासी मोदिय, रूप सिंह, जालम सिंह, नैर सिंह पुत्रान बेट्ट, निवासी व्योम, दीप राम, दोलत राम पुत्र जीतू, हीनारी पत्नी बन्सी, निवासी भलाना, नोमी पत्नी मोहन लाल, निवासी दुहाई, तोता पत्नी तुलसी राम, निवासी भलाना, मुनीता पुत्री बीर, निवासी भलाना, लननी विधाप, पुत्रा राम पुत्र जोतू, बैनी, निवासी व्योम, लच्छमी पत्नी रूप सिंह, निवासी चान्ना, सांगटी विधवा बेणी, निवासी व्योम, (फोट) जायज वारिस तुला राम लच्छमी पुत्र व पुत्री बैनी, रण-जगत राम सन्त लाल, रोशन लाल पुत्रान मोही राम, निवासी व्योम, बरवी, पत्नी धरम, निवासी कुलग, मुपारी पत्नी रमेज कटियाग, सत्या पत्नी दोण, निवासी कुलग, मीरा पत्नी मस्त राम, निवासी टुहाई, मुपया पत्नी मीरा राम, निवासी ज्ञानी, मेहन्दी पत्नी रूप सिंह, निवासी कटियाग,

पोली विधवा जोईया (फोट) जायज वारिस मेहन्दी, सादर सिंह पुत्र रणीया, निवासी व्योम, चन्द्रकला पत्नी नल राम, निवासी भलाना, मुन्दरी विधवा रणीया, निवासी व्योम, जनी राम पुत्र राम नाल, मेता राम पुत्र व श्रेणी विधवा क्षीण, निवासी व्योम, गिज राम पुत्र कमता स्वयं व जायज वारिस मोनी राम पुत्र कमता, निवासी व्योम, देवी सिंह पुत्र कागिया, मोरी राम पुत्र मुगा, निवासी व्योम, माइने पत्नी मोरी राम, निवासी दाविन, कुन्दन सिंह पुत्र मोन राम स्वयं व जायज वारिस बन्सी राम, निवासी व्योम, लच्छमी विधवा मेईया, निवासी बडोल, मोनो पत्नी श्रेणी, निवासी बडोल, जायज सिंह पुत्र कली राम, बनी राम पुत्र मोरडू, निवासी व्योम, नुनारी राम पुत्र गोरनू, हिता पुत्र मन्नू, निवासी व्योम, कपारो विधवा फट्टा (फोट) जायज वारिस मोता राम पुत्र वट्टा, निवासी कण्ठो बडोल, मेता पुत्रा मन्नू (फोट) जायज वारिस लाल सिंह, पुत्र नानार, निवासी कुलग, शिखी पत्नी बनी राम, निवासी काटो बडोल, उदय सिंह, नैर सिंह, पुत्र शंकर, निवासी व्योम, तुलसा पत्नी मणिया कनाडी, गणेशो पत्नी चन्दन सिंह, निवासी बडोल केंप पुत्री मोती राम, जीतू पुत्र ज्ञानम, निवासी व्योम, मुरन दुबडी, शावणी, पुत्रियां ज्ञानम निवासी पाव हुन्डारी, प्रताप सिंह, बालक राम, विजय कुमार मुरगन पुत्रान, छोट, निवासी व्योम, मुनोल नाला, विचर, विधवा पुत्रियां छोट, निवासी कुलग/बुननीयोड/बडोल बुनसा विधवा छोट, निवासी व्योम, मुरतो पत्नी लालकू, निवासी गिया, दुम्बडी, शावणी, पुत्रियां, ज्ञानम, निवासी पाव/हुन्डारी, देवी राम, दया, विधाना, ज्ञान, पुत्रान रोडा, निवासी व्योम, उतो पत्नी घनी निवासी कुलग, मुरतो पत्नी मानकू, निवासी गिया, मन्दवा पत्नी ज्ञानम, निवासी भलाना, दुर्गा, मेहन्दी, पुत्रियां रोडा, निवासी बुलग/शिवरा, मूमा विधवा रोडा (फोट) जायज वारिस, पुत्र सिंह पुत्र सीमिया, निवासी शिवाहन, जवनो-मुरतो, मस्तो पुत्रियां सीसीया, निवासी शिवाहन, मुन्दर सिंह, देवी राम, बीर सिंह, तुलसी राम, बहादुर सिंह पुत्रान, बडियान, निवासी शिवाहन, गंगा राम, बन्सी, पुत्र नरपू, निवासी व्योम, गिगाडी पत्नी कर्नया, निवासी भनाना, मुरतो, फुन्दी, मुपारी, निवासी मोनो पुत्रियां व विधवा बन्नी, निवासी व्योम, दीप मोडी पुत्रियां, दोलत राम, मया कृपि पुत्रियां, रूप सिंह निवासी व्योम, हिदवा राम मंगत राम सुविधा पुत्रान कण्डयान, निवासी व्योम, दीवडी, विधा नीला मंगत पुत्रियां व विधवा कडयान, निवासी व्योम, नौरी राम पुत्र ब्रनर, निवासी व्योम, किडी पुत्री नैण, हीरो मेहन्दी पुत्रियां, नैण कुलाहा, मूरत राय, रण सिंह, शाकन राम, श्यामा राम दलीप सिंह पुत्रान, मोभा, निवासी व्योम, शानि देवी/हवी देवी नाजरो देवी पुत्रियां शोभा, निवासी, कानाडी/भलाना/अजरोली, मोही राम पुत्र रूप निवासी व्योम, चान्दना देवी पुत्री देव, निवासी व्योम (फोट) जायज वारिस होट्ट, नन्ना, भुषिया, सीता राम, दोलत राम, कृष्णया पुत्रान थाटा, निवासी जालो, नैर सिंह पुत्र मानकू, निवासी व्योम, चान्दन, मनिया पुत्रान कालीया, निवासी बगोहा, चन्द्रकला, पत्नी रमेज डाहर, कृष्णा पुत्री मोन सिंह, पत्नी केदार सिंह, निवासी कफाहां, कमला पत्नी मही राम, निवासी कोरग, अन्न सिंह, हुक्मी राम पुत्रान, धर्म सिंह, निवासी टटवा, पुत्री सिंह पुत्र बन्सी, निवासी टटवा, श्यामजो पुत्री बन्सी, निवासी टटवा, गोपाल सिंह, बस्ती राम, इन्द्र सिंह पुत्रान भूर सिंह, निवासी कोरग, जेनो पुत्री फकीर, निवासी टटवा, मंगल सिंह, ज्ञानम सिंह, दलीप सिंह पुत्रान मही राम, निवासी चूजाहां, नारा देवी पत्नी ब्रतर सिंह, निवासी टिककर, मेहन्दी पत्नी भुषिया निवासी हुलाहां, रणीया, कैदिया, पुत्रान सोभा, निव सी टिकरी, मुरतो, बीपला पुत्रिया सोभा, निवासी कफालन/गैहन, मोहन सिंह पुत्रान व कुन्ना, लच्छमी पुत्रियां कालो, निवासी टिकरी, गोता मयूरी पुत्रियां व दुर्गा विधवा लगनू, निवासी मधोरी, कलीया पुत्र व ज्ञानकी पुत्री टिकरी, निवासी मधोरी, चोगो पुत्री हरीया, निवासी टटवा, सनिया पुत्र ज्ञाना, निवासी कोरग, रोडा/मोही राम, पुत्रान थोख, व मुरमी पुत्री कुन्ना, निवासी टटवा/अट्ट, मिमको पत्नी साधू राम, निवासी कफाहां, भूरा पत्नी भजू राम, निवासी चाडोनी, फिगकी विधवा बुन्द, निवासी टटवा, भननो पत्नी साधू राम, निवासी अट्ट, मूरतू पुत्र झरडी, निवासी कोरग, जीवणी पुत्री अन्न, निवासी कोरग, नाजरो पुत्री कलम, निवासी टटवा, सीता राम पुत्र रोडा, निवासी टटवा, चान्दन, पुत्र थोख, निवासी मूरतू टटवा, सननो पुत्र थोख निवासी टटवा, चिमनी पुत्र थोख, मूरतू पुत्र कलीया, कण्डयान, निवासी टटवा, अरी, विधवा सोहजा, निवासी टटवा, हीरा सिंह, पुत्र कमीया, निवासी पजारी, श्यामजो, भनाना, भनी, शिबी, निवासी टटवा, उदय सिंह, नैर सिंह, विर पुत्रान जस्ता, निवासी टटवा, तुलसा, गणेशो पुत्रियां जस्ता, निवासी टटवा, केंप पुत्र मोहोरा, निवासी टटवा, केंप, जगत राम, नीका राम, नुभाय, विनोद, विपन पुत्र हुक्मी, निवासी पजाराहां, राममा पुत्र पान्नी (फोट) जायज वारिस बगीचा, जीतू, कुन्दन नकट, पुत्रान रामसा, निवासी पजाराहां, तहसील रणकाजी को फोरमनियान बनाया गया है। प्रधानप द्वारा इन्हें

बार-2 समन जारी करने पर तामील नहीं हो रही है। प्रधानतः को पूरा करवा लेना है कि इससे साधारण तरीके से तामील नहीं हो सकती। अतः इस अदालत के अध्यक्ष के माध्यम से क्रिकेसियन उपरोक्त को सूचित किया जाता है कि अगर वह मरुद्धा उपरोक्त भीम नकसील शांमलात देह में कोई कार्यवाही करे। चाहे न तो दिनांक 30-12-2006 को प्रातः 10.00 बजे हमारे प्रधानतः हाजिर आकर पैरवी मुकदमा कर सकते हैं। बाद मरुद्धा के दिनांक कोई कार्यवाही काबले गौर न होगी तथा नियमानुसार कार्यवाही धमल में लाई जायेगी।

आज दिनांक 3-9-2006 को हमारे हस्ताक्षर/मोहर अदालत में जारी किया गया।

मोहर : जे 0 सी 0 धर्मा, सहायक समाहर्ता प्रथम श्रेणी, रेणुकाजी स्थित संगडाह, जिला सिरमौर।

व प्रधानतः श्री जे 0 सी 0 धर्मा, सहायक समाहर्ता प्रथम श्रेणी, रेणुकाजी स्थित संगडाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं 0

तारीख : मरुद्धा : 30-12-2006

राजेश्वर प्रसाद पुत्र उदय सिंह, निवासी टिकरी, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश

बनाम

ग्राम जनता

दस्तावेज बराये दर्दस्ती नाम।

प्राप्ति उपरोक्त न अदालत हना में दर्दस्ती नाम इस आशय के साथ गुजारी है कि उसका नाम राजेश्वर प्रसाद है जो कि जिला विभाग के रिकार्ड में नहीं दर्ज है परन्तु राजस्व अधिलेख में उसका नाम राजेश्वर सिंह दर्ज है जो कि गलत है जिसकी वह दर्दस्ती करवाना चाहता है।

अतः इस अदालती इशतहार के माध्यम से ग्राम जनता/समे सम्बन्धियों सूचित किया जाता है कि प्राप्ति उपरोक्त का नाम राजस्व अधिलेख में किसी शकस को दर्दस्ती करने में कोई उपर/प्रस्ताव हो तो वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारे अदालत में हाजिर आकर पैरवी कर मुकदमा कर सकता है। बाद मरुद्धा के दिनांक कोई कार्यवाही काबले गौर न होगी तथा नियमानुसार आवश्यक आदेश पारित कर दिये जायेंगे।

आज दिनांक 19-9-2006 को हमारे हस्ताक्षर/मोहर अदालत में जारी किया गया।

मोहर : जे 0 सी 0 धर्मा, सहायक समाहर्ता प्रथम श्रेणी, रेणुकाजी स्थित संगडाह, जिला सिरमौर (हि 0 प्र 0)।

व प्रधानतः श्री जे 0 सी 0 धर्मा, सहायक समाहर्ता प्रथम श्रेणी रेणुकाजी स्थित संगडाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं 0 : 20/2004 ता 0 मरुद्धा : 30-12-2004

अमर चन्द पुत्र बली राम निवासी दुर्गा, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश आदि

बनाम

बेत राम, भजन सिंह पुत्रान रूप सिंह, निवासीगण, कडियाना, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश आदि

दस्तावेज तमसाम मुकदमा भीम नकसील शांमलात देह में कोई कार्यवाही कर सकता है। बाद मरुद्धा के दिनांक कोई कार्यवाही काबले गौर न होगी तथा नियमानुसार आवश्यक आदेश पारित कर दिये जायेंगे।

अतः इस अदालती इशतहार के माध्यम से ग्राम जनता/समे सम्बन्धियों सूचित किया जाता है कि प्राप्ति उपरोक्त का नाम राजस्व अधिलेख में किसी शकस को दर्दस्ती करने में कोई उपर/प्रस्ताव हो तो वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारे अदालत में हाजिर आकर पैरवी कर मुकदमा कर सकता है। बाद मरुद्धा के दिनांक कोई कार्यवाही काबले गौर न होगी तथा नियमानुसार आवश्यक आदेश पारित कर दिये जायेंगे।

मिनको पत्नी मेहर सिंह, निवासी बाबल, अमरचली पत्नी सुरा निवासी टिकरी (संगडाह), जिला लाल, पुत्र बर सिंह, निवासी कडियाना, कभला देवी, बाल देवी पुनिया वीर सिंह, निवासी रायबा/बानापुर रूपी देवी, हरी चन्द पुत्र हीरा सिंह, कान्ती पुत्री प्रेम निवासीगण कडियाना, सुभाषकुमार पुत्र दीप सिंह, मुनी विद्या भगवान् निवासीगण कडियाना, होरी-नाजरी पुनिया देवी राम (फौल) जायज वारिस ईश्वर पुत्र देवी राम, निवासी कडियाना (हकीकी आई), राम नाथ पुत्र सावर सिंह, निवासी कडियाना (फौल) जायज वारिस भीम सिंह, बंद प्रकाश पुत्रान राम नाथ, निवासी कडियाना, रेखा विद्या रतन सिंह, निवासी धाटा, तुलसा पुत्री बंध सिंह, पत्नी रती राम, निवासी लवानी (फौल) मुनी विद्या सुन्दर सिंह, निवासी माईना, हृषीक चन्द पुत्र कसी राम, निवासी दुर्गा, कान्ती, मधुरा पुनिया कसी राम, निवासीगण, संगडाह टिकरी, कडियाना कुमार पुत्र व. सुमति, उमिला, कान्ती, माता जमना/उर्फ गूडो पुनिया कुन्दन, निवासी दुर्गा स्वयं व जायज वारिस भाग्य देवी विद्या निवासी कुन्दन निवासी दुर्गा, इन्द्र सिंह पुत्र नैन सिंह, निवासी दुर्गा, इन्द्र पुत्र हामी निवासी दुर्गा, जालकीपत्नी गंगा राम, निवासी दुर्गा, लच्छी राम पुत्र, पदमापुत्री, महा पुत्र तुन्गी, गुलाब, निवासीगण भांडा, जिला जिला, राम देवी पुत्री माना निवासी तिरमला, सबला, चरण दासपुत्र व चीणी विद्या बसी निवासी तिरमला, भांति, मुन्नी, लाछी पुनिया बंकी निवासी तिरमला, अरुणलाल, चन्द्रनगि पुत्र व कुमार बंकी पुत्री हरी चन्द (नावालिग) बलांतरप्रस्ता कान्ती, विद्या देवी चन्द, निवासी तिरमला, कान्ता देवी विद्या, हरी चन्द, सुवदा देवी पत्नी चेत राम, मेला राम पुत्र व कमला पुत्री बस्ती राम, निवासी तिरमला, मधुरा, कुन्दा पुनिया मधुरा, निवासी तिरमला, अजयत राम पुत्र कुन्दन निवासी (डाहर (संगडाह) हाल नाथ तहसील टिकरी, लख राम, अमर चन्द उदे राम पुत्रान, कुन्दन, निवासी डाहर, लच्छी पत्नी मोहन लाल, निवासी नानापुर, सायर सिंह पुत्र कसी, बस्ती राम, पुत्र व सुमती पुत्री प्रेम, निवासी डाहर/सिपू सुतो विद्या दया राम, निवासी डाहर, देवी सिंह, पुत्र मोही राम निवासी दुर्गा, मेही विद्या जाती राम, जीवन सिंह, भीम सिंह, मोन्द पुत्रान वस्तीराम, दुर्गा स्वयं, व विद्यादेवी, निवासीगण, लीला देवी लच्छी देवी, कुमार स्वयं व जायज वारिस सुनीता देवी हीरी विद्या वस्ती राम, निवासी दुर्गा, खजानी पुत्र श्रीमती नोमी, निवासी वज्र, सन्तो दाका पुनिया, अमर सिंह, निवासी दाना, नारायण सिंह, पुत्र रती राम, निवासी संगडाह, (फौल) जायज वारिस विद्या, देविन्द्र जय सिंह, रक्षा लता पुनिया नारायण सिंह, निवासी सिपू, भगवान सिंह पुत्र रती राम, निवासी संगडाह (फौल) जायज वारिस कोषया देवी, पत्नी देवी सिंह निवासी बस्ती, रेहनु, पत्नी चान्द, निवासी जावना (संगडाह), कोला पुत्री चान्द, निवासी माणक, ध्यान् पुत्रान वार, निवासी दुर्गा, रेहनु पुत्री (चान्द) (फौल) जायज वारिस रमेश पुत्र चान्द निवासी जावना, दोलत राम, पुत्र पुत्रान मुरत निवासी दुर्गा, बोलिन्द्र पुत्र मुरत (फौल), जायज वारिस दोलत राम, पुत्र, कुन्दन, राज पुत्रान मुरत, निवासी दुर्गा, मेधरी देवी विद्या व लीला पुत्री वसन्त, निवासी दुर्गा/जापू, दया राम पुत्र सि. डी, निवासी विद्या व आनधी पुत्री शिव, निवासी दुर्गा, लच्छी पत्नी बहादुर सिंह, निवासी दुर्गा, राजू, पुत्र व विद्या, विद्या मोहन निवासी दुर्गा, मंगल, पुत्र बाणू, निवासी दुर्गा, मोहन लाल पुत्र मजन्त, भीम प्रकाश पुत्र बस्ती राम निवासीगण, दुर्गा, कुन्ती पत्नी चान्द, निवासी पावटा साहिब, मेला राम चरण दास पुत्रान, विद्या सिंह, निवासी संगडाह, स्वयं व मुमोदी, लीला पुनिया विद्या सिंह, निवासीगण, सैज/संगडाह, स्वयं व जायज वारिस मुन्नी विद्या विद्या सिंह निवासी दुर्गा, सुभाष चन्द, पुत्र जीत राम निवासी दुर्गा, इन्द्रा देवी लीला पुत्रान, निवासी हाल जिला हस्पताल नाहन, पदमा देवी विद्या जीत राम, निवासी दुर्गा, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश को अदालत हवा द्वारा बार-2 समन जारी करने पर भी दर्दस्ती नहीं हो रही। अदालत को पूरा यकीन हो जाता है कि इन्हें अब साधारण तरीके से तामील नहीं हो सकती। अतः अदालत/इशतहार के माध्यम से क्रिकेसियन उपरोक्त को सूचित किया जाता है कि अगर वह मरुद्धा उपरोक्त में कोई पैरवी करना चाहे तो वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारे अदालत में हाजिर आकर पैरवी कर मुकदमा कर सकते हैं। बाद मरुद्धा के दिनांक कोई कार्यवाही काबले गौर न होगी तथा नियमानुसार आवश्यक आदेश पारित कर दिये जायेंगे।

आज दिनांक 13-10-2006 को हमारे हस्ताक्षर मोहर अदालत में जारी किया गया।

मोहर :

जे 0 सी 0 धर्मा, सहायक समाहर्ता प्रथम श्रेणी, रेणुका स्थित संगडाह, जिला सिरमौर (हि 0 प्र 0)।

ब. अदालत श्री जिवंदर कुमार हंस, उप-पंजीपाल (तहसीलदार), तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश

श्री अतर सिंह पुत्र श्री मही राम. साकिन बेला, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

1. ग्राम जनता

2. श्रीमती मन्तो देवी पुत्री श्री सही. राम पत्नी मदन सिंह, ग्राम पारसी, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

विवान मुकद्दमा—प्रार्थना-पत्र किए जाने पंजीकृत वसीयतनामा अन्तरजिस्टर्ड जेर धारा 40/41.

उपरोक्त मुकद्दमा में प्रार्थी श्री अतर सिंह पुत्र श्री मही राम ने इस न्यायालय में प्रार्थना-पत्र गुजारा है कि श्रीमती मन्तो देवी विधवा श्री जालम सिंह, साकिन भटनोल, तहसील गिलाई, जिला सिरमौर ने दिनांक 27-3-2006 को वसीयत तहरीर करवाई है जो पंजीकृत नहीं है; उनके हक में पंजीकृत की जाए। वसीयतकर्ता की मृत्यु दिनांक 26-7-2006 को हो चुकी है।

इसलिए ग्राम जनता व इससे सम्बन्धित व्यक्तियों को इस इस्तहार के माध्यम से सूचित किया जाता है कि उपरोक्त वसीयत के पंजीकृत करने वारा किसी किस्म का उजर एतराज हो वह दिनांक 28-12-2006 को प्रातः 10.00 बजे अमालतन या वकालतन हाजिर अदालत अपना एतराज पेश कर सकता है अन्यथा हाजिर न आने की सूत्र में एक पक्षीय कार्यवाही घमल में लाई जाएगी।

प्राज दिनांक 23-9-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ है।

जिवंदर कुमार हंस,
उप-पंजीपाल,
गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री जिवंदर कुमार हंस उप-पंजीपाल (तहसीलदार), गिलाई जिला सिरमौर, हिमाचल प्रदेश

श्री रतन सिंह पुत्र श्री जालम सिंह, ग्राम भटनोल, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

1. ग्राम जनता।

2. श्रीमती विद्या देवी पुत्री श्री जालम सिंह पत्नी श्री कुन्दन सिंह, ग्राम काण्डो (बोहल)।

3. श्रीमती मन्तो देवी पुत्री श्री जालम सिंह पत्नी श्री कंवर सिंह ग्राम डिमटी।

4. श्रीमती सत्या देवी पुत्री श्री जालम सिंह पत्नी श्री राबू, ग्राम च्याईला।

5. श्रीमती तारा देवी पुत्री श्री जालम सिंह पत्नी श्री तपेन्द्र, ग्राम ब्योग, उप-तहसील कमरऊ, जिला सिरमौर।

प्रार्थना-पत्र किए जाने पंजीकृत वसीयतनामा अन्तरजिस्टर्ड जेर धारा 40/41 के अन्तर्गत।

उपरोक्त मुकद्दमा में प्रार्थी श्री रतन सिंह पुत्र जालम सिंह, ग्राम भटनोल, तहसील गिलाई ने इस न्यायालय में प्रार्थना-पत्र गुजारा है कि उनकी माता श्रीमती मन्तो देवी पत्नी श्री 0 जालम सिंह, निवासी भटनोल, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश ने दिनांक 23-9-2006 को वसीयत तहरीर करवाई है जो पंजीकृत नहीं है उनके हक में पंजीकृत की जाए। वसीयतकर्ता की मृत्यु दिनांक 26-7-2006 को हो चुकी है।

इसलिए ग्राम जनता व इससे सम्बन्धित व्यक्तियों को इस इस्तहार के माध्यम से सूचित किया जाता है कि उपरोक्त वसीयत

पंजीकृत करने वारा किसी किस्म का उजर एतराज हो तो वह दिनांक 29-12-2006 को प्रातः 10 बजे अमालतन या वकालतन हाजिर अदालत अपना एतराज पेश कर सकता है अन्यथा हाजिर न आने की सूत्र में एक पक्षीय कार्यवाही घमल में लाई जाएगी।

प्राज दिनांक 23-9-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

जिवंदर कुमार हंस,
उप-पंजीपाल,
गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री प्रेम सिंह नेगी, कार्यकारी दण्डाधिकारी, कृष्णगढ़ जिला सोलन, हिमाचल प्रदेश

श्री प्रकाश चन्द पुत्र श्री राम किशन, निवासी गांव सुनानी, डा0 दाइवा, उप-तहसील कृष्णगढ़, जिला सोलन (हि0 प्र0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र वाचन जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री प्रकाश चन्द पुत्र श्री राम किशन, निवासी गांव सुनानी, डाकघर दाइवा, उप-तहसील कृष्णगढ़, जिला सोलन (हि0 प्र0) ने इस अदालत में प्रार्थना-पत्र मय शपथ-पत्र दिया है कि उसकी पुत्री कु0 शीतल का जन्म दिनांक 30-12-2002 को हुआ है परन्तु इसका इन्ट्रान ग्राम पंचायत के अभिलेख में नहीं हुआ है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि यदि वारे में किसी को कोई एतराज हो तो वह दिनांक 28-12-2006 को या इससे पूर्व अमालतन या वकालतन प्रातः 10 बजे हाजिर होकर अपना एतराज पेश कर सकता है। निर्धारित अवधि के पश्चात् कोई एतराज/आपत्ति प्राप्त होने पर काबले समायन न होगा तथा कु0 शीतल का नाम सम्बन्धित पंचायत में दर्ज करने के आदेश पारित कर दिए जाएंगे।

प्राज दिनांक 24-11-2006 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

प्रेम सिंह नेगी,
कार्यकारी दण्डाधिकारी,
कृष्णगढ़, जिला सोलन (हि0 प्र0)।

व अदालत जनाब रजिस्ट्रेशन एवं मैरिज आफिसर अश्व, जिला जना हिमाचल प्रदेश

विषय: -शारी पंजीकरण प्रमाण-पत्र प्रदान वारे जेर धारा 16 स्पेशल मैरिज एक्ट 1954.

सुभाष चन्द

बनाम

ग्राम जनता।

श्री सुभाष चन्द पुत्र श्री यशपाल, गांव मंझार, डा0 सूरी, तहसील अश्व, जिला जना हिमाचल प्रदेश ने एक दरखास्त प्रस्तुत की है उसमें उसने लिखा है कि उसकी शारी चन्द्रे कुमारी सुबुवी श्री प्रभू लाल गांव व डा0 डेऊ, शहूछार, तहसील रामपुर जिला शिमला के साथ दिनांक 28-9-2006 को हुई है का पंजीकरण किया जाकर उसे शादी पंजीकरण प्रमाण पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता ग्राम तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण वारे एतराज हो तो वह दिनांक 28-12-2007 को प्रातः 10.00 बजे अमालतन या वकालतन हाजिर होकर अपने उजर पेश करें अन्यथा एक तरफ कार्यवाही घमल में लाई जाकर प्राची को शादी पंजीकरण प्रमाण पत्र जारी कर दिया जाएगा तथा बाद में कोई उजर काबले गौर न होगा।

आज दिनांक 28-11-2006 को मेरे हस्ताक्षर व मोहर प्रदात से जारी हुआ।

व प्रदात रजिस्ट्रेशन एवं मेरिज ऑफिसर, बम्ब, जिला ऊना, हिमाचल प्रदेश

मोहर।

हस्ताक्षरित/-

दिविन्द्र कुमार

बनाम

आम जनता।

रजिस्ट्रेशन एवं मेरिज ऑफिसर,
बम्ब, जिला ऊना, हिमाचल प्रदेश।

विषय.—शादी पंजीकरण प्रमाण-पत्र प्रदान करने वाले जेर धारा 16, स्पेशल मेरिज एक्ट, 1954.

व प्रदात जनाब रजिस्ट्रेशन एवं मेरिज ऑफिसर बम्ब, जिला ऊना (हि० प्र०)

विषय.—शादी पंजीकरण प्रमाण-पत्र प्रदान करने वाले जेर धारा 16 स्पेशल मेरिज एक्ट, 1954.

नरेन्द्र पाल

बनाम

आम जनता।

श्री नरेन्द्र पाल पुत्र श्री स्वर्ण लाल, गांव छहूँ, डाकखाना छहूँ, तहसील बम्ब, जिला ऊना (हि० प्र०) ने एक दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी शशी बाला सुपुत्री श्री देवी दाम, गांव व डाकखाना पन्डोगा तहसील बम्ब, जिला ऊना के साथ दिनांक 14-7-2006 को हुई है, का पंजीकरण किया जाकर उसे शादी प्रमाण-पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण वाले कोई एतराज/आपत्ति हो तो वह दिनांक 26-12-2006 को प्रातः 10.00 बजे प्रसातन/वकालतन हाजिर होकर अपने उजर पेश करे अन्यथा एकतरफा कार्यवाही प्रमल में लाई जाकर प्राप्ति को शादी पंजीकरण प्रमाण-पत्र जारी कर दिया जायेगा तथा बाद में कोई उजर काबिले गौर न होगा।

आज दिनांक 6-11-2006 को मेरे हस्ताक्षर व मोहर प्रदात से जारी हुआ।

मोहर।

हस्ताक्षरित/-

रजिस्ट्रेशन एवं मेरिज ऑफिसर,
बम्ब, जिला ऊना (हि० प्र०)।

व प्रदात जनाब रजिस्ट्रेशन एवं मेरिज ऑफिसर, बम्ब, जिला ऊना, हिमाचल प्रदेश

विषय.—शादी पंजीकरण प्रमाण-पत्र प्रदान करने वाले जेर धारा 16, स्पेशल मेरिज एक्ट 1954.

संजीव कुमार

बनाम

आम जनता।

श्री संजीव कुमार पुत्र श्री कृष्ण चन्द, गांव अनेहड़ा, डाकघर धर्मपुर, तहसील मुखिया, जिला होशियारपुर (पंजाब) ने एक दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी नीलम कुमारी सुपुत्री श्री दीनत राम, गांव व डाकखाना लोहर बसल, तहसील ऊना, जिला ऊना के साथ दिनांक 8-10-2006 को हुई है, का पंजीकरण किया जाकर उसे शादी पंजीकरण प्रमाण-पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शादी पंजीकरण वाले एतराज/आपत्ति हो तो वह दिनांक 27-12-2006 को प्रातः 10.00 बजे प्रसातन/वकालतन हाजिर होकर अपने उजर पेश करे अन्यथा एकतरफा कार्यवाही प्रमल में लाई जाकर प्राप्ति को शादी पंजीकरण प्रमाण-पत्र जारी कर दिया जायेगा तथा बाद में कोई उजर काबिले गौर न होगा।

आज दिनांक 21-11-2006 को मेरे हस्ताक्षर व मोहर प्रदात से जारी हुआ।

मोहर।

हस्ताक्षरित/-

रजिस्ट्रेशन एवं मेरिज ऑफिसर,
बम्ब, जिला ऊना (हि० प्र०)।

मोहर।

हस्ताक्षरित/-

रजिस्ट्रेशन एवं मेरिज ऑफिसर,
बम्ब, जिला ऊना (हि० प्र०)।

व प्रदात श्री एच० एस० बेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा, जिला ऊना हिमाचल प्रदेश

श्री गुरदियाल शर्मा उर्फ गुरदियाल पुत्र श्री प्रेम दास, वासी भर-याद, के मुख्तार ग्राम घास श्री गुलाब चन्द पुत्र श्री सारलिंग राम, वासी दुतेह, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश प्राप्ति।

बनाम

आम जनता

प्रायना-पत्र दावत जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

श्री गुरदियाल शर्मा उपनाम गुरदियाल, वासी भरयाद, तहसील बंगाणा, जिला ऊना ने इस व्यापार्य में प्रायना-पत्र गुजारा है कि उनकी पुत्री का नाम मुख्तार रानी है व मूलानिक मेट्रिक स्कूल प्रमाण-पत्र अनुसार जन्म तिथि 26-4-1980 है। प्रसातनामा वह अपनी पुत्री की जन्म तिथि ग्राम पंचायत के रिकार्ड में दर्ज न करवा सके हैं। जिसे दर्ज करने के आदेश प्राप्त किये जाये।

अतः सर्वसाधारण को इस इन्सहार मनादी हिमाचल प्रदेश राज्यपाल के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म तिथि पंजीकरण करने में कोई एतराज हो तो वह निम्नलिखित दिनांक 29-12-2006 को इस व्यापार्य में प्रातः 10 बजे प्रसातन या वकालतन हाजिर अपना एतराज प्रस्तुत कर सकता है हाजिर न आने की मूर्त में नियमानुसार कार्यवाही प्रमल में लाई जायेगी।

आज दिनांक 14-11-2006 को मेरे हस्ताक्षर व मोहर प्रदात द्वारा जारी किया गया।

मोहर।

एच० एस० बेदी,
कार्यकारी दण्डाधिकारी,
तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश।

व भद्रालत श्री एच० एस० वेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश

प्राज दिनांक 20-11-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी हुआ ।

श्री केहर सिंह पुत्र पृथ्वी सिंह के मृत्युपरने ग्राम ग्राम उनकी धर्मपत्नी श्रीमती लता कुमारी पत्नी श्री केहर सिंह, वासी धरेल, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश

मोहर :

चैन सिंह ठाकुर, तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग, ऊना, जिला ऊना, हिमाचल प्रदेश ।

वनाम

व भद्रालत श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, तहसील व जिला ऊना (हि० प्र०)

ग्राम जनता

श्री प्रेम कुमार

वनाम

ग्राम जनता ।

प्रार्थनाग्र बाबत अपने लड़के का नाम बदलने बारे ।

दरखस्त जेर प्राग 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता ।

श्री केहर सिंह पुत्र पृथ्वी सिंह, निवासी गांव धरेल तथा, डियूनाजी तहसील बंगाणा, जिला ऊना ने इस न्यायालय में प्रार्थना-पत्र गुजारा है कि उनके लड़के का नाम अनिल कुमार है जिसको जन्म तिथि 27-6-2002 है । वह अपने लड़के का नाम "अनिल" की बजाये "अनमोल" रखना चाहते हैं । सम्बन्धित ग्राम पंचायत के रिकार्ड में "अनिल" की बजाये "अनमोल" दर्ज करने के आदेश पारित किये जायें ।

श्री प्रेम कुमार सुपुत्र श्री चन्दन सिंह, निवासी लांजर अरनिवाला तहसील व जिला ऊना ने इस अदालत में एक दरखास्त दी है कि उसके पुत्र अनिल राणा का जन्म गांव लोथर अरनिवाला में दिनांक 24-9-2002 को हुआ था, परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका । अब पंजीकरण करने के आदेश दिये जायें ।

अतः सर्व साधारण को इस इशतहार मुनादी हिमाचल प्रदेश राजपट्ट के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त लड़के का नाम तब्दील करने में कोई एतराज हो तो वह निम्नलिखित तिथि 29-12-2006 को सुबह 10.00 बजे इस न्यायालय में असातलत या कालतन हाजिर होकर अपना एतराज प्रस्तुत कर सकता है । हाजर न आने की मूरत में नियमानुसार कार्यवाही अमल में लाई जायेगी ।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म के पंजीकरण बारे कोई उजर/एतराज हो तो वह दिनांक 23-12-2006 को सुबह 10.00 बजे अयोहस्ताक्षरी के ममस्त असातलत/कालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जायेंगे ।

प्राज दिनांक 13-11-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया ।

प्राज दिनांक 16-11-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी हुआ ।

मोहर :

एच० एस० वेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश ।

मोहर ।

चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश ।

व भद्रालत श्री चैन सिंह ठाकुर, तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग ऊना, हिमाचल प्रदेश

व भद्रालत नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना जिला ऊना, हिमाचल प्रदेश

श्री कुसुम कुमार सुपुत्र स्वर्गीय श्री देस राज गांव व ठाकुराना ऊना, तहसील व जिला ऊना (हि० प्र०) . . प्रार्थी ।

मुकद्मा नम्बर : जन्म प्रमाण-पत्र ।

श्री विजय कुमार

वनाम

ग्राम जनता ।

वनाम

दरखास्त जेर प्राग 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता ।

श्री विजय कुमार सुपुत्र श्री रणवीर सिंह, निवासी गांव अरनिवाला अम्पर, तहसील व जिला ऊना ने इस न्यायालय में दरखास्त दी है कि उसके पुत्र अप्रित ठाकुर का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे । उसके सुपुत्र का नाम अप्रित ठाकुर है, जन्म तिथि 21-4-2002 तथा बच्चे का जन्म स्थान अरनिवाला है ।

अतः इस नोटिस के माध्यम से ममस्त जनता तथा सम्बन्धित रिस्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई आप्रति हो तो वह दिनांक 26-12-2006 को प्रातः दस बजे स्वयं अपना असातलत या कालतन इस अदालत में हाजिर आकर पेश कर सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जायेंगे ।

प्राज दिनांक 21-11-2006 को हस्ताक्षर मेरे व मोहर अदालत द्वारा जारी किया गया ।

मोहर ।

हस्ताक्षरित/- नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश ।

ग्राम जनता

..प्रतिवादीगण ।

विषय:—दरखस्त बाबत किये जाने नाम दस्तवी जन्म एवं मृत्यु पंजीकरण रिकार्ड ग्राम पंचायत पन्डोगा, तहसील व जिला ऊना (हि० प्र०) में करने बारे ।

प्रार्थी कुसुम कुमार ने भद्रालत हुजा में हाजिर आकर एक प्रार्थना पत्र प्रस्तुत करके प्रार्थना की है कि उसकी पुत्री कृति का नाम जन्म एवं मृत्यु पंजीकरण रिकार्ड ग्राम पंचायत पन्डोगा, तहसील व जिला ऊना में किसी भी व्यक्ति या किसी रिस्तेदार/मन्त्रि की कोई उजर/एतराज हो तो वह दिनांक 23-12-2006 को प्रातः 10-00 बजे अयोहस्ताक्षरी के न्यायालय में असातलत/कालतन हाजिर आकर पेश कर सकता है । अन्यथा "कृति" नाम दस्तस्त करने के आदेश दे दिये जायेंगे । बाद में कोई उजर मान्य न होगा ।

इस इशतहार के माध्यम में सर्वसाधारण ग्राम जनता वाशिनदगान देह हुजा को सूचित किया जाता है कि, प्रार्थी कुसुम कुमार की पुत्री "कृति" नाम की दस्तवी जन्म एवं मृत्यु पंजीकरण रिकार्ड ग्राम पंचायत पन्डोगा, तहसील व जिला ऊना में किसी भी व्यक्ति या किसी रिस्तेदार/मन्त्रि की कोई उजर/एतराज हो तो वह दिनांक 23-12-2006 को प्रातः 10-00 बजे अयोहस्ताक्षरी के न्यायालय में असातलत/कालतन हाजिर आकर पेश कर सकता है । अन्यथा "कृति" नाम दस्तस्त करने के आदेश दे दिये जायेंगे । बाद में कोई उजर मान्य न होगा ।

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिकारिता तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएँ

अन्तः

अनुसूचक

अन्तः

भाग-3

श्रम एवं रोजगार विभाग

अधिसूचना

शिमला-2, 25 नवम्बर, 2006

6. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए आयु ।

18 से 45 वर्ष :

परन्तु सीधी भर्ती के लिए उपरोक्त आयु सीमा तब या संविदा पर नियुक्त किए गए पदों से सरकार की सेवा में रह व्यक्तियों सहित अन्य व्यक्तियों को लागू नहीं होगी :

परन्तु यह धोरण कि यदि तब तक कि नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तब या संविदा के आधार पर नियुक्त के कारण विहित आयु में छूट के लिये पात्र नहीं होगा :

परन्तु यह धोरण कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष भाषणों के अधीन अनुज्ञेय है :

परन्तु यह धोरण भी कि पब्लिक सेक्टर निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सेक्टर निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सेक्टर नियमों/स्वायत्त निकायों में शामिल से पूर्व सरकारी कर्मचारियों थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जायेगी जैसी कि सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सेक्टर निगमों/स्वायत्त निकायों के ऐसे कर्मचारियों को नहीं दी जायेगी जो पश्चात्पूर्वता से निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गये थे/किये गये हैं और उन पब्लिक सेक्टर निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से शामिल किये गये हैं/किए गए हैं ।

(1) सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जायेगी, जिसमें कि पद (पदों) को, पर्यटन/प्रत्येक प्रायोजन शामिल करने के लिए निर्धारित किया जाता है या नियोजन/जालों को अधिसूचित किया जाता है ।

संख्या श्रम (बी०) 4-1/2006 (स्था.) नियम/श्र. अ.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से श्रम एवं रोजगार विभाग, हिमाचल प्रदेश में श्रम अधिकारी, वर्ग-II (राजपत्रित) लिपिक वर्गीय सेवाएँ के पद के लिए इस अधिसूचना से संलग्न उपावय "क" के अनुसार भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम धोरण प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश श्रम एवं रोजगार विभाग, श्रम अधिकारी वर्ग-II (राजपत्रित) लिपिक वर्गीय सेवाएँ भर्ती एवं प्रोन्नति नियम, 2006 है ।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे ।

2. निरसन धोरण व्याप्तियाँ.—(i) उद्योग विभाग की अधिसूचना संख्या आई० एण्ड एम०-15 (स्था०), तारीख 1-3-1966 और अधिसूचना संख्या 11-3/82-यम स्थापना, तारीख 10-8-1983 द्वारा अधिसूचित हिमाचल प्रदेश सेक्टर एम्प्लॉयमेंट एण्ड ट्रेनिंग डिपार्टमेंट, क्लाम-III (मिनिस्ट्रीयल) सर्विस रिक्रूटमेंट, प्रमाणन मंत्रालय, कण्टीशन ब्लूज, 1973 का एतद्वारा उस विस्तार तक निरसन किया जाता है, जहाँ तक कि ये श्रम अधिकारी के पद को लागू होंगे ।

(ii) ऐसे निरसन के होते हुए जो उपर्युक्त उपनियम 2 (i) के अधीन इन प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, वात या कार्यवाई इन नियमों के अधीन विधिमार्ग रूप से की गई समझी जाएगी ।

आदेश द्वारा,

संजीव गुप्ता,
सचिव ।

उपावय "क"

हिमाचल प्रदेश श्रम एवं रोजगार विभाग, श्रम अधिकारी (वर्ग-II, राजपत्रित) के पद के लिए भर्ती एवं प्रोन्नति नियम

- | | |
|--------------------------|--|
| 1. पद का नाम | श्रम अधिकारी |
| 2. पदों की संख्या | 12 (बारह) |
| 3. वर्गीकरण | वर्ग-II (राजपत्रित) |
| 4. वेतनमान | रुपये 7000-220-8100-275-10300-340-10980. |
| 5. चयन पद अथवा प्रचयन पद | चयन |

(2) छन्दशा मुद्राङ्कित धर्म-
विर्या की दशा में मोक्षी धर्मों
के लिए धर्म्य सीमा और धर्म्य
विभाजन प्रदेश लोक सेवा प्रयोग
के विवेकानुसार निर्णय किया
जा सकेगा।

7. मोक्षी धर्मों किए जाने वाले
व्यक्तियों के लिए प्रेषित
न्यूनतम शैक्षणिक और धर्म्य
अर्हताएं।

(क) धर्मवार्थ अर्हताएं :

(i) किसी मान्यता प्राप्त विश्व-
विद्यालय से स्नातक की
उपाधि या इससे समकक्ष।

(ii) किसी मान्यता प्राप्त विश्व-
विद्यालय से श्रम विधि
में डिप्लोमा/डिप्लोमा या
एम0 बी0 ए0।

सांख्यिक अर्हताएं :

हिमाचल प्रदेश की रुढ़ियों,
रीतियों और बोलियों का
ज्ञान और प्रदेश में विद्यमान
विशिष्ट दशाश्रमों में नियुक्ति
के लिए उपयुक्तता।

8. क्या मोक्षी धर्मों किए जाने
वाले व्यक्तियों के लिए विहित
धर्म्य और शैक्षणिक अर्हताएं
प्रोन्नत व्यक्तियों की दशा
में लागू होंगी या नहीं ?

धर्म्य : लागू नहीं
शैक्षणिक अर्हताएं : लागू नहीं

9. परिवीक्षा की अवधि, यदि
कोई हो।

दो वर्ष, जिसका एक वर्ष में
प्रत्येक ऐसी और अवधि के
लिए विस्तार किया जा सकेगा
जैसा महान प्राधिकारी विशेष
परिस्थितियों में और निश्चित
कारणों में आदेश दे।

10. धर्मों की पद्धति—धर्मों
सीधे होंगे या प्रोन्नति
या प्रतिनियुक्ति या स्था-
नान्तरण द्वारा और विभिन्न
पद्धतियों द्वारा भरे जाने वाले
पद (पदों) की प्रतिशतता।

(क) 75 प्रतिशत प्रोन्नति द्वारा
(ख) 25 प्रतिशत सीधे धर्मों
द्वारा।

11. प्रोन्नति, प्रतिनियुक्ति या स्था-
नान्तरण की दशा में
श्रेणियां, जिनसे प्रोन्नति/प्रति-
नियुक्ति, स्थानान्तरण किया
जायेगा।

श्रम निरोधकों में से जिनका
8 वर्ष का नियमित सेवाकाल
या वेध में की गई लगातार तदर्थ
सेवा यदि कोई हो, को सम्मि-
लित करके 8 वर्ष का संयुक्त
नियमित सेवाकाल हो, प्रोन्नति
द्वारा।

श्रम अधिकारी के पदों को
भरने के लिए निम्नलिखित पद
माधारित 4 विन्डु रोस्टर का
अनुसरण किया जाएगा :—

1. पहला पद .. प्रोन्नति द्वारा
2. दूसरा पद .. प्रोन्नति द्वारा
3. तीसरा पद .. प्रोन्नति द्वारा
4. चौथा पद .. मोक्षी धर्मों द्वारा

टिप्पणः—रोस्टर, प्रत्येक मोक्षी रिक्ति के परचाट दोहराया जाता
रहेगा। जब तक कि सभी सम्भरण प्रवर्गों को दो गई
प्रतिशतता तक प्रतिनिधित्व प्राप्त नहीं हो जाता है
तब परचाट रिक्ति उसी प्रवर्ग से भरी जाएगी जिससे पद
रिक्त हुआ हो।

(1) प्रोन्नति के सभी मामलों में,
पद पर नियमित नियुक्ति से पूर्व
सम्भरण पद में की गई लगातार

नदर्थ सेवा, यदि कोई हो, प्रोन्नति
के विषय दन नियमों में वर्णित
सेवाकाल के लिए, इस शर्त के
अधीन रहते हुए गणना में की
जाएगी कि सम्भरण प्रवर्ग में तदर्थ
नियुक्ति/प्रोन्नति धर्मों एवम्
प्रोन्नति नियमों के उपबन्धों के
अनुसार वयन की उचित स्वीकार्य
प्रक्रिया को पाराने के पश्चात्
की गई हो।

परन्तु उन सभी मामलों
में जिनमें कोई कनिष्ठ व्यक्ति
सम्भरण पद में अपने कुल
सेवाकाल (तदर्थ आधार पर की
गई सेवा महित जो नियमित सेवा/
नियुक्ति के अनुसरण में हो) के
आधार पर उपर्युक्त निर्दिष्ट उप-
बन्धों के कारण विचार किए जाने
का पात्र हो जाता है, वहां अपने-
अपने प्रवर्ग/पद/काडर में उससे
वरिष्ठ सभी व्यक्ति विचार किए
जाने के पात्र समझे जायेंगे और
विचार करते समय कनिष्ठ
व्यक्ति से ऊपर रहे जायेंगे।

परन्तु यह और कि उन सभी पद-
धारियों की, जिन पर प्रोन्नति के
लिए विचार किया जाना है, कम
से कम तीन वर्ष की न्यूनतम
अर्हता सेवा या पद के धर्मों एवं
प्रोन्नति नियमों में विहित सेवा
जो भी कम हो, होंगी।

परन्तु यह और भी कि जहां
कोई व्यक्ति पूर्वगामी परन्तु की
अपेक्षाओं के कारण प्रोन्नति
किये जाने सम्बन्धी विचार के
लिए अपात्र हो जाता है, वहां
उससे कनिष्ठ व्यक्ति को ऐसी
प्रोन्नति के विचार के लिए अपात्र
ममता जाएगी/समझ जायेगी।

स्पष्टीकरण.—प्रोन्नति परन्तु के धर्मगत
कनिष्ठ पदधारी प्रोन्नति के लिए
अपात्र नहीं समझा जाएगा
यदि वरिष्ठ अपात्र व्यक्ति
भूतपूर्व सैनिक है जिसे डिमो-
बिलाइज्ड धर्मगत कोसिज
परसेजन (रिजर्वेशन ऑफ़
वेहेन्सीज इन हिमाचल स्टेट
नान-टैक्नीकल सर्विसिज) रूज, 1972 के नियम 3 के उपबन्धों
के अन्तर्गत धर्मों किया गया हो
और इनके अन्तर्गत वरीयता
लाम दिए गए हों या
जिसे ऐक्स-सर्विसमैन (रिजर्वेशन
ऑफ़ वेहेन्सीज इन दो हिमाचल
प्रदेश टैक्नीकल सर्विसिज) रूज, 1985 के नियम 3 के उपबन्धों
के अन्तर्गत धर्मों किया गया हो
तथा इनके अन्तर्गत वरीयता लाम
दिए गए हों।

(2) इसी प्रकार स्पष्टीकरण के
सभी मामलों में ऐसे पद पर
नियमित नियुक्ति/प्रोन्नति से पूर्व
सम्भरण पद पर की गई लगातार
तदर्थ सेवा, यदि कोई हो, सेवा-
काल के लिए गणना में ली

प्रस्तावित उच्चतम पदों के पश्चात् प्रोन्नति एवं प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी। परन्तु की गई उपर्युक्त लिखित तदर्थ सेवा को गणना में लेने के पश्चात् जो स्पष्टीकरण होगा उसके फलस्वरूप वास्तविक बरोयता प्रपरिवर्तित रहेगी।

Pradesh in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Labour Officer, Class-II (Gazetted) Ministerial Services in the Department of Labour & Employment, Himachal Pradesh as per Annexure-A attached to this notification, namely:—

1. *Short title and commencement.*—(i) These Rules may be called the Himachal Pradesh Labour and Employment Department, Labour Officer, Class-II (Gazetted) Ministerial Services Recruitment and Promotion Rules, 2006.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(i) The Himachal Pradesh Labour, Employment and Training Department, Class-III (Ministerial) Services (Recruitment, Promotion and certain other condition) Rules, 1973 notified vide Industries Department notification No. I&S-15(Estt.) 489/59 dated 1-3-1966 and Notification No. II-3-82-Shram (Satba) dated 10-8-1983 are hereby repealed to extent that these are applicable to the post of Labour Officer.

(ii) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,

SANJEEV GUPTA,
Secretary.

ANNEXURE-A

RECRUITMENT AND PROMOTION RULES FOR THE POST OF LABOUR OFFICER, CLASS II (GAZETTED) IN THE DEPARTMENT OF LABOUR AND EMPLOYMENT

1. Name of the post	Labour Officer
2. Number of posts	12 (Twelve)
3. Classification	Class-II (Gazetted)
4. Scale of pay	Rs. 7000-220-8100-275-10300-340-10980.
5. Whether selection post or non-selection post?	Selection
6. Age for direct recruitment.	Between 18 and 45 years:

Provided that the upper age limit for direct recruitment will not be applicable to the candidates already in service of the Government including those who have been appointed on *ad hoc* or on contract basis:

Provided further that if a candidate appointed on *ad hoc* basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his *ad hoc* or contract appointment:

Provided further that upper age limit is

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी संरचना ? विभागीय प्रोन्नति समिति की अध्यक्षता, अध्यक्ष, हिमाचल प्रदेश लोक सेवा आयोग या उसके द्वारा नाम निर्दिष्ट आयोग के सदस्य द्वारा की जाएगी

13. परिस्थितियां जिनमें भर्ती करना के लिए हिमाचल प्रदेश लोक सेवा आयोग से परामर्श लिया जाना है। जैसा कि विधि द्वारा प्रापेक्षित हो।

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अनिवार्य प्रपेक्षा। किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन। सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के माध्यम पर किया जाएगा यदि यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के माध्यम पर किया जायेगा जिसका स्तर/पाठ्यक्रम, यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा निर्धारित किया जायेगा।

16. आरक्षण। उक्त सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्गों के व्यक्तियों के लिए सेवाओं में आरक्षण की वास्तविकताओं को ध्यान में रखते हुए प्रदान होगी।

17. विभागीय परीक्षा। सेवा में प्रत्येक सदस्य को समय-समय पर यथा संगोपित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 में यथाविहित विभागीय परीक्षा पास करनी होगी।

18. शिथिल करने की शक्ति। जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक है, समीचीन है, वहां यह कारणों को लिखित में प्रामाणिकता के साथ और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, प्रादेश द्वारा, इन नियमों के किसी उपबन्ध (उपबन्धों) को किसी वर्ग या व्यक्ति (व्यक्तियों) के प्रवर्ग या पद (पदों) की वास्तविकता कर सकेगी।

[Authoritative English text of this Department Notification No. Shram (B) 4-1/2006 (Estt.) Rules/L. O. dated 25-11-2006 as required under clause (3) of Article 348 of the Constitution of India].

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shmla-2, the 25th November, 2006

No. Shram (B) 4-1/2006 (Estt.) Rules/L. O.—In exercise of the powers conferred by proviso to Article 309 of

relaxable for Scheduled Castes/Scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government :

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations / Autonomous Bodies at the time of initial constitution of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations / Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting application or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits.

Essential Qualifications:
(i) Bachelor degree or its equivalent from a recognised University.

(ii) Degree/Diploma in Labour Laws or M.B.A. from a recognised University.

Desirable Qualifications:

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees ?

Age : Not applicable
Educational Qualifications: Not applicable.

9. Period of probation. Two years subject to such further extension for a period not exceeding one

year as may be ordered by the appointing authority in special circumstances and for reasons to be recorded in writing.

(a) 75% by promotion and
(b) 25% by direct recruitment.

10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of post to be filled in by various methods.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.

By promotion from amongst the Labour Inspectors with eight years regular service of regular combined with continuous *ad hoc* service rendered, if any, in the grade.

For filling up the posts of Labour Officer the following 4 points based roster shall be followed :

Roster point Category

1st point	By promotion
2nd point	By promotion
3rd point	By promotion
4th point	By direct recruitment.

Note.—The roster will be repeated after every 4th vacancy till the representation to all categories is achieved by the given percentage. Thereafter, the vacancy is to be filled up from amongst the category which vacates the post.

(1) In all cases of promotion, the *ad hoc* service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provision of R&P Rules:

provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on *ad hoc* basis, followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration :

...shall be considered for promotion shall possess the minimum qualifying service of atleast 3 years or that prescribed in the R & P Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbent ineligible for consideration for promotion if the senior ineligible person happened to be Ex-servicemen recruited under the provisions of Rule 3 of the Demobilised Armed Forces Personnel (Reservations of Vacancies in Himachal Pradesh State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provision of Rule 3 of the Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, *ad hoc* service rendered in the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provisions of the R & P Rules:

Provided that *inter-se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged.

...motion Committee exists, what is its composition?

DPO to be decided over by the Chairman, H. P. Public Service Commission or a member thereof to be nominated by him.

13. Circumstances under which the HPPSC is to be consulted in making recruitments.

As required under the law.

14. Essential requirement for a direct recruitment.

A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to the post by direct recruitment.

Selection for appointment to the post in the case of direct recruitment shall be made on the basis of *viva-voce* test, if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient; or a written test or practical test, the standard or syllabus of which will be determined by the Commission/other recruiting authority, as the case may be.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for scheduled castes/scheduled tribes/other backward classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.

Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1997, as amended from time to time.

18. Power to relax

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).